

B. A. No.2989
FIR No. 25/2020
PS: Bara Hindu Rao
State Vs. Salman
U/s 435/436/506/34 IPC

02.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused Salman in case FIR No. 25/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant was arrested on 09.03.2020 on the basis of statement of the complainant and is in JC since then. That accused-applicant has been falsely implicated in the present case. That accused-applicant is not named in the FIR. That the statements of the alleged eye witnesses are contrary to the case of the prosecution. That even if the entire case of the prosecution is taken at its face value the offence punishable under section 436 IPC is not made out against the accused-applicant as it is not the allegation against the accused-applicant that he has set on fire any dwelling place or godown but vehicles parked on the street. That the purported eye witnesses are stock witnesses and their statements are procured only to enrope the accused-applicant. That chargesheet has already been filed and investigation is completed. That accused-applicant has clean antecedents.

Ld. Addl. PP for State submits that accused-applicant is identified by the eye witnesses. That from the statements of the eye witnesses and the photographs of the place of incident it does not appear

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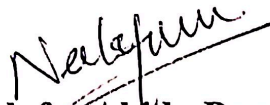
that any dwelling place has been set on fire or attempted to be set on fire and that it is the vehicles parked on the street that are set on fire.

Heard.

Present case is registered on the statement of complainant Salman that on 09.03.2020 at about 12.30 am he parked his scooty no. DL8SCL9717 under his house in gali, however, in the morning of 09.03.2020 at about 6.30 am, he found his scooty burnt alongwith four other two wheelers. The accused-applicant is not named in the FIR as the person who set the vehicles on fire, and is subsequently apprehended on the statements recorded of eye witnesses who saw him pour petrol on the scooty of the complainant to set it on fire and the other vehicles caught fire as the same were also parked on the street alongwith the scooty of the complainant. The further custody of the accused-applicant is not required for the purposes of investigation. Taking into consideration the nature of the accusations and as it would remain for the Ld. Trial Court to assess if there is any material for the commission of offence punishable under section 436 IPC, the only non bailable offence added to the FIR, and as it is the vehicle of the complainant parked in the street alongside his house and not inside his house that is allegedly set on fire by the accused-applicant, and also the period of incarceration, the present application is allowed and regular bail is granted to accused Salman, in case FIR No. 25/2020, upon his furnishing personal bond with one surety in the sum of Rs. 20,000/-, each to the satisfaction of the L. Trial Court and subject to the condition that he shall scrupulously appear on each and every date of

N. K. Jaiswal

hearing before the Ld. Trial Court and shall not delay, defeat or interfere with the trial in any manner whatsoever, that he shall not threaten intimidate or influence witnesses nor tamper with the evidence in any other manner, that he shall not change his address or mobile phone to be mentioned in the bond without prior intimation to the IO, the surety shall also intimate the IO in the event of change of address or mobile phone number as mentioned in the bond. The application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 2831
FIR No. 189/2020
PS: Civil Lines
State Vs. Sumit
U/s 394/411/34 IPC

02.11.2020 at 4 pm

ORDER

This is fourth application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant in case FIR No.189/2020.

Ld. counsel for the accused-applicant has contended that accused has been falsely implicated in the present case. That accused-applicant is innocent and has nothing to do with the present offence. That chargesheet has already been filed on 27.06.2020 and conclusion of trial would definitely take sufficient time. That recovery has already been effected in the matter. That accused-applicant is the sole bread earner for his family consisting of his wife and minor daughter.

Ld. Addl. PP has submitted that accused-applicant alongwith a CCL committed the present crime in late night hours. That the incident of robbery is captured in a CCTV footage and complainant has identified both the offenders from the said CCTV footage. That accused-applicant does not have clean antecedents and has previous involvements.

Heard.

FIR is registered on the statement of complainant Gyarsi Lal dated 29.04.2020 that on 27-28.04.2020 at about 2 am while he was returning home from his job, when he reached in the gali in front of his


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house, one boy came from behind and choked his neck and another boy, who was his accomplice removed his mobile phone, purse containing Rs.1200/- and I Card from the pocket of his pant and thereafter both the boys fled away from the spot. Complainant felt unconsciousness and after some time he reported the matter to the police.

The robbed purse of the complainant is allegedly recovered from the possession of the accused-applicant. the mobile phone was found by the complainant near the place incident, after the offenders had run away with his purse. On the query of the Court it could not be ascertained if it is the accused-applicant who had held the complainant by the neck due to which the complainant allegedly fell unconscious for sometime. The prosecution relies upon the statement of the complainant alone for the charge under section 394, there is no medical record in support thereof in this case. There is delay in reporting of the robbery to the police. Investigation is now complete, chargesheet is filed and further custody of the accused-applicant in JC since 29.4.2020, in connection with the present case is not required for the purposes of investigation any more, and trial is likely to take some time. In such totality of the facts and circumstances therefore regular bail is being granted to accused Sumit in case FIR No. 189/2020, upon his furnishing personal bond with one surety in the sum of Rs. 30,000/- each to the satisfaction of the Ld. Trial Court and subject to the condition that he shall appear scrupulously on each and every date of hearing before the Ld. Trial Court and shall not delay, defeat, nor interfere with the trial in any manner, he shall not threaten, intimidate nor influence

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witnesses nor tamper with evidence in any manner whatsoever, he shall mention the mobile phone number to be used by him and shall ensure that the said number is kept on switched on mode throughout with location activated and shared with the IO, he shall not change the said mobile phone number nor change his address without prior intimation to the IO, he shall not leave the territorial limits of NCT Delhi without prior permission of the IO, the surety shall also intimate the IO in the event of any change in address or mobile phone number. The application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No.222/2017
PS: Crime Branch
State Vs. Guddu Khan
02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Siddharth Yadav, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Guddu Khan in case FIR No. 222/2017.

Arguments heard. For orders, put up at 4 pm.

(Neelofar  Perveen)

ASI(Central)THC/Delhi

02.11.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Guddu Khan in case FIR No. 222/2017.

Ld. counsel for the accused-applicant has contended that the applicant is facing trial in the present case and is currently on interim bail. That the interim bail of the accused-applicant is going to expires on 02.11.2020. That the present application seeking extension of interim bail to the applicant/accused Guddu Khan for a period of sixty(60) days to take



care of his old and aged parents. That the father of the applicant is unwell and is suffering from Heart Ailment as well as piles. Due to piles the father of applicant is suffering from constant bleeding. That there is no one to take care of his aged parents. Due to spread of the pandemic even the neighbours living near the house of the applicant are not helping the parents of the applicant. That the applicant needs to arrange basic necessities for his aged parents as they are unable to arrange for their basic necessities of life and their very survival is at stake.

Interim Bail in the first instance was granted to the accused-applicant to enable him to arrange for the treatment of his old aged parents. And was extended as per the directions passed by the Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** It emerges that the blanket extensions awarded to the UTP's under the previous orders by the H'ble Full Bench passed in the above said writ petition from time to time were revoked and the interim bails and orders were not granted further extensions vide order dated 20.10.2020 and it came to be observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

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"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24" August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following

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phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3d November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(j) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

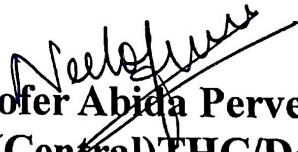
(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today

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The above directions particularly pertaining to the schedule of surrender of the UTP's, as contained under the said order of H'ble the Full Bench of H'ble the High Court of Delhi however came to be stayed by H'ble the Supreme Court of India in SLP (CIVIL) No.23367/2020 titled as National Forum of Prison Reforms vs. Government of NCT of Delhi & others on 29.10.2020 till the next date of hearing ie 26.11.2020. Moreover, the directions granting leave to the UTP's to seek extension on the merits of their respective grounds has also been stayed. In the wake of the order dated 29.10.2020 of the H'ble Apex Court therefore there are no directions for extension or otherwise required to be passed by this Court in respect of the UTP's who are on interim bail as extended by virtue of the orders passed by the H'ble Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors** and who all were required to have surrendered in terms of order dated 20.10.2020 passed in the said writ petition as reproduced supra as per the schedule, as the said directions stand stayed till 26.11.2020.

Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.32/2019
PS: Crime Branch
State Vs. Praveen Chaudhary
02.11.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Hemant Gulati, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Praveen Chaudhary in case FIR No. 32/2019.

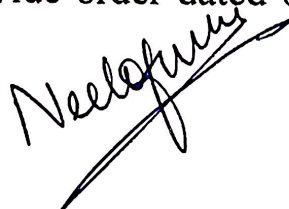
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

AT 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Praveen Chaudhary in case FIR No. 32/2019.

Ld. counsel for the accused-applicant submitted that on 09.04.2020, accused-applicant was granted interim bail for 45 days under the guidelines of High Powered Committee of Hon'ble High Court which was subsequently extended vide order dated 08.07.2020 and that in terms



of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 09.04.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently extended on 08.07.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 22.06.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

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"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following

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phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

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Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:-

.....
"Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPS/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these

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relevant factor i.e.:

(a) Actual holding capacity of Delhi Prison,

(b) Present occupancy,

(c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and

(d) Period of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

.....

In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPs about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

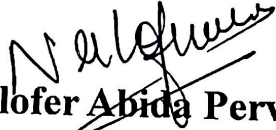
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Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de

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hors the criteria laid down by this Committee.”

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and direction of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 05.11.2020 on the same terms and conditions.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No. 113/2020
PS Crime Branch
State v. Vidya Sagar
U/s 20/25/29 NDPS Act

02.11.2020 At 4 pm

ORDER

This is second application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Vidya Sagar in case FIR No. 113/2020.

Ld. counsel for the accused-applicant contended that investigation is now complete. That accused-applicant is in JC since 10.08.2020. That accused-applicant was returning to his hometown after leaving his sister at Chandigarh, and had accompanied Dinesh to Delhi for repairing of vehicle as informed by Dinesh. That nothing incriminating has been recovered from the accused-applicant and recovery has been effected from the co-accused. That allegations against the accused-applicant are for Section 29 of NDPS Act. That there is nothing incriminating against the accused-applicant except for disclosure of the co-accused. That he is the sole bread earner for his family. That accused-applicant has clean antecedents and deep roots in the society and is falsely implicated without there being any material against him.

Ld. Addl. PP submits that intermediate quantity of contraband is recovered from the joint possession of the accused-applicant and the co-accused. That the accused applicant had travelled from Himachal Pradesh with the contraband which was to be supplied in Delhi in car bearing No. HP 34 C 9018 which was being driven by the co-accused and the accused-



applicant when the vehicle was intercepted was found sitting in the passenger seat of the vehicle and the contraband was kept inside the said car. Therefore the accused-applicant is in joint possession of the contraband with the co-accused though it is the co-accused who took out the packet containing the contraband from the car.

Heard.

Case of the prosecution is that acting on a secret information received on 10.08.2020, accused Dinesh and Vidya Sagar were intercepted in car bearing no. HP 34 C 9018, near Bal Sudhar Grah, Majnu Ka Tila Delhi, in between 4.30 PM to 5.30 PM and after service of notice u/s 50 NDPS Act co-accused Dinesh Kumar himself took out one packet from the said car, which was concealed under plastic cover of driver's seat side pillar and handed it over to ASI Murli Dhar which was found containing 200 grams of charas. In the course of investigation, co-accused Dinesh Kumar got recorded his disclosure that he had procured the recovered contraband from Rajesh Nepali who had passed on the phone number of the buyer to him and instructed him that the driver will contact him. One person, namely Suresh Chand contacted accused Dinesh Kumar for receiving the parcel and arrived at Majnu ka Tila Gurudwara parking for taking delivery of the parcel and was apprehended and in the course of his interrogation, it was revealed that he was sent by another driver namely Raj Dev Singh @ Mukhiya to take the delivery of parcel and he had knowledge regarding the material contained in the packet and thereupon another co-accused Rajdev Singh @ Mukhiya was arrested on 11.08.2020.

At this stage for the purposes of the present application it is



pertinent that the secret information received is in respect of both co-accused Dinesh and the accused-applicant, further it is the own submission on behalf of the accused-applicant that he had accompanied the co-accused in the said car from Himachal Pradesh to Delhi after halting at Chandigarh. It is stated for the accused-applicant that he had accompanied the co-accused in his car, as he wanted to visit his sister in Chandigarh, however pertinently the accused-applicant is apprehended from Delhi with the co-accused, his car and the contraband band. It would be a matter of trial if the accused-applicant infact had no knowledge whatsoever of the contraband lying under the driver's seat inside the car in which he admittedly was travelling from Himachal to Delhi via Chandigarh. Investigation is complete, chargesheet is filed and charges are yet to be framed and trial yet to commence. In such totality of the facts and circumstances discussed above at this stage it is not a fit case for grant of regular bail to accused Vidya Sagar in case **FIR No. 113/2020**, and the application at hand is dismissed accordingly.


(Neelofer Abida Perveen)
ASJ(Central)THC/Delhi/02.11.2020

B. A. No. 2807
FIR No. 132/2020
PS: Subzi Mandi
State Vs. Manish @ Hauwa
U/s 188/392/397/411 IPC

02.11.2020

ORDER

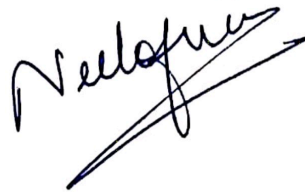
This is third application under Section 439 CrPC for grant of bail/interim bail moved on behalf of accused Manish@ Hauwa in case FIR No. 132/2020.

Ld. counsel for the accused-applicant contended that accused-applicant is innocent and has been falsely implicated in the present case. That co-accused Vikas has already been granted bail. That investigation is complete and chargesheet is filed in Court. That no alleged knife is recovered from the possession or at the instance of the accused-applicant. That accused-applicant is the sole bread earner for his family and mother of the accused-applicant is also not keeping good health.

Ld. Addl. PP, on the other hand submitted that accused-applicant has played active role in the commission of offence and robbed the complainant by showing knife. That accused-applicant evaded his arrest during investigation and further refused to participate in the TIP proceedings. That previous bail application of the accused-applicant was dismissed on 29.08.2020.


Heard.

The Present case FIR is registered on the statement of complainant in respect of robbery committed by three persons against him at the point of knife. In the course of investigation, on secret information received, two of the co-accused Shivam @ Shibbu and Vikas @ Akku were apprehended from near



Roshanarra road, and were identified by the complainant as the same boys who had robbed him of his mobile phone, a day prior. During personal search, mobile phone of the complainant was recovered from the possession of accused Shivam @ Shibu. The name of the accused-applicant appeared for the first time in the disclosure recorded of the apprehended accused as that third offender who had shown knife to the complainant. The alleged knife used by the accused-applicant however has not been recovered in the course of investigation which in itself is not a circumstance mitigating the accusation against him in any manner. During investigation, efforts were made to arrest accused-applicant but he evaded his arrest and process under Section 82 CrPC was got issued against him from the Court and is finally arrested in this case on 21.07.2020. The accused-applicant refused to participate in TIP proceedings and subsequently supplementary chargesheet has now been filed against accused-applicant.

In such totality of the facts and circumstances as the accused-applicant is alleged to have used knife in the commission of the robbery, and as the accused-applicant evaded his arrest, at this stage, no ground is made out to grant bail to the accused-applicant in case FIR No 132/2020, there being no parity with the co-accused who is granted bail in this case as the allegations in respect of commission of offence under section 397 IPC stand against the accused-applicant singularly. The present application is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3296
FIR No. 15411/2020
PS: Roop Nagar
State Vs. Sanjeev
02.11.2020

Fresh application received. Be registered.


Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Zia Afroz, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Sanjeev in case FIR No. 15411/2020.

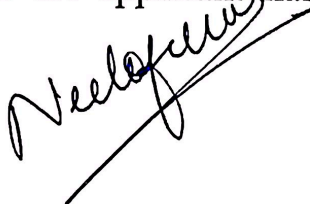
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Sanjeev in case FIR No. 15411/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case and is in JC since 20.09.2020. That the applicant has no connection with the present



offence. That co-accused has already been released on bail. That accused-applicant is the young boy and is the only earning member of the family.

Ld. Addl. PP on the other hand submitted that accused-applicant alongwith his co-accused were found in possession of stolen bike. That accused-applicant has as many as 19 previous involvement in criminal cases and he is a habitual offender, it is however not disputed that the case of the accused-applicant is on the same footing as that of the co-accused who has already been granted regular bail in the present case.

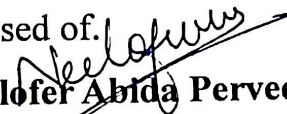
Heard.

The co-accused whose case is on similar footing to that of the accused-applicant has already been granted bail and the accused-applicant on the ground of parity alone is entitled to regular bail in the present case as there is nothing in respect of the allegations, the manner of apprehension and the recovery of the stolen bike to distinguish the claim for bail of the accused-applicant as from that of the co-accused already granted the concession. In view thereof the present application is allowed primarily on the ground of parity and accused-applicant is granted regular bail on the same terms and conditions as imposed upon the co-accused ie subject to furnishing personal bond in the sum of Rs. 20,000/ with two sureties in the like amount, one of the surety must be local surety, to the satisfaction of the Ld. Trial Court and subject to the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone

Neelofar

number mentioned in the personal bonds without prior intimation to the IO. He shall also keep the said mobile, phone number switched on mode at all times with location activated and shared with the IO. Surety shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds. Accused-applicant shall mark his presence on 1st and 15th day of each calender month before the SHO of concerned police station.

Application stands disposed of.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No. 468/2018
PS: Burari
State Vs. Kanhiya
U/s 302/323/325 IPC

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)


None for accused-applicant

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Kanhiya in case FIR No.468/2018.

Reply is already on record. None has joined on behalf of the accused-applicant through Webex Meeting.

In the interest of justice, for consideration, put up on 10.11.2020.



(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
2.11.2020

FIR No. 310/2016
PS: Sarai Rohilla
State Vs. Asif etc.
U/s 393/397/34 IPC

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Kamal Kumar, counsel for accused-applicant with surety.

As per report of verification of the surety, the surety is not found residing at the given address. In view of the same bail bonds are rejected.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

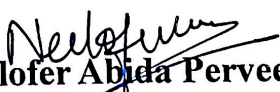
FIR No. 29/2019
PS: Crime Branch
State Vs. Vinay
U/s 21/29 NDPS Act

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
None for accused-applicant

Ld. Counsel for the accused-applicant when contacted on phone submits that the matter may be fixed on any physical date of hearing of the Court and due to connectivity issue he would not be able to argue the application through video conferencing.

Put up on 17.12.2020 for arguments on the application seeking preservation and summoning of the mobile phone location details of the accused as well as of member of the raiding party and CCTV footage of the place of apprehension.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020


FIR No. 209/2017
PS: Karol Bagh
State Vs. Madan
U/s 380/392/395/397/482/452/419/120B/34 IPC

02.11.2020

Matter is taken up today as 01.11.2020 was holiday being Sunday.

A report was called for 01.11.2020 in terms of letter dated 22.09.2020 received from Jail Superintendent intimating non-surrender by accused Madan on expiry of period of 05 days interim bail.

Office reports that interim bail of the accused-applicant Madan has been extended till 07.11.2020 vide order dated 29.10.2020 passed on the application for extension of interim bail moved on behalf of accused-applicant. As the interim bail of the accused-applicant has already been extended till 07.11.2020, no coercive measures are being taken on report of non-surrender received in respect of accused Madan in case FIR No. 209/2017 as on date.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.24/2016
PS: Crime Branch
State Vs. Guddu Kumar Jha

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Diwakar Chaudhary, Counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Guddu Kumar Jha in case FIR No. 24/2016.

Reply is filed.

Arguments heard in part. Main case file is required to be referred for the purposes of disposal of present bail application.

Put up for further arguments on **09.11.2020**, the physical hearing date of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.104/2019
PS: Crime Branch
State Vs. Sanjay Kumar
U/s 20/29 NDPS Act

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for release of Mobile phone on superdari on behalf of applicant in case FIR No. 104/2019.

Reply is filed. Ld APP submits that mobile phone make OPPO 5 was recovered from the personal search of the accused-applicant and the prosecution has no objection for the release of mobile phone to the accused-applicant. In view thereof, mobile phone make OPPO 5 is ordered to be released to its rightful owner against receipt and on proper identification.

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No.179/2019
PS: Wazirabad
State Vs. Manish
U/s 380/454 IPC

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)


Sh. Shamsul Haque, Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for release of car bearing no. DL 6CQ 2509 on superdari on behalf of applicant Manish in case FIR No. 179/2019.

Ld. Addl. PP submits that report from the IO is not received. Let reply be filed on or before the next date of hearing.

For consideration, put up on **19.11.2020**.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No.32/2019
PS: Prasad Nagar
State Vs. Kamal Kishore
U/s 302/323/341/147/148/149/34 IPC

02.11.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Vineet Jain, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Kamal Kishore in case FIR No. 32/2019.

Ld. Addl. PP submits that IO has sought time to verify the medical documents of the mother of the accused-applicant. Let report be filed on or before **12.11.2020**. Interim bail is extended till the next date of hearing on the same terms and conditions.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No. 309/2019
PS: Crime Branch
State Vs. Jarnail Singh
U/s 15/25/29 NDPS Act

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Hitesh Sharma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Jarnail Singh in case FIR No.

Ld. counsel for accused-applicant submits this is an application for extension of interim bail on the ground of illness of the mother of the accused-applicant.

The last order vide which interim bail was extended is annexed, however, instructions of the Ld. counsel is not complete in respect of the first order vide which interim bail was granted and was subsequently extended on the ground of illness of mother and wife of the accused-applicant. It is submitted that mother of the accused-applicant is admitted in hospital since 26.10.2020.

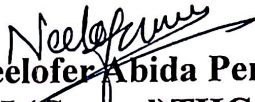
Ld. Addl. PP submits that IO has sought some time to verify the medical record in respect of the mother of the accused-applicant.

The applicant is directed to file all the previous order before



the next date. IO to verify medical record and family status

For report and consideration, put up on **10.11.2020**. **Interim bail of accused-applicant is extended till the next date of hearing.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.39/2019
PS: Crime Branch
State Vs. Nihaluddin

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
IO ASI Subhahs Chand (through video conferencing)
Sh. Nikhil Gautam, Counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Nihaluddin in case FIR No. 39/2019.

IO seeks further time to verify the medical record stating that due to holidays, the medical record could not be verified.

Let the same be verified for the next date of hearing.

For consideration, put up on 07.11.2020.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.142/2017
PS: Sarai Rohilla
State Vs. Amit Kumar

02.11.2020

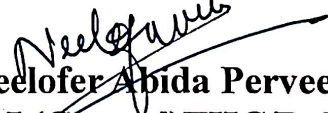
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Niraj Chaudhary, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Amit Kumar in case FIR No. 142/2017.

During the course of arguments, it emerges that accused-applicant has availed of interim bail and continues to be on interim bail and the present application is filed during the currency of the interim bail period, when the accused-applicant is still enlarged on interim bail. In these circumstances, present application for grant of regular bail is dismissed as not maintainable.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No.113/2016
PS: Pahar Ganj
State Vs. Rupesh Kumar Gupta
U/s 302 IPC

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)


Sh. J. A. Chaudhary, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Rupesh Kumar Gupta in case FIR No. 113/2016.

Previous order vide which accused-applicant was granted interim bail is not filed. Applicant shall also file affidavit to the effect that he has not violated any terms and conditions of the bail and has fulfilled all the directions alongwith previous bail order.

For filing of previous order, affidavit and consideration, put up on 05.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No. 160/2015
PS: Crime Branch
State Vs. Tej Singh
U/s 21 NDPS Act

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

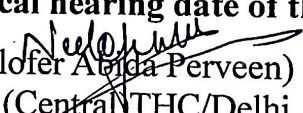
None for accused-applicant.

Hearing conducted through Video Conferencing.

This is an application for cancellation of endorsement moved on behalf of applicant in case FIR No.160/2015.

Report not made by Ahlmad. Ahlmad to report on the next date of hearing.

Put up on 09.11.2020 ie physical hearing date of the Court.


(Neelofar Aijda Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No.217/2018
PS: Sadar Bazar
State Vs. Uttam Gupta

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)


None for accused-applicant

Hearing conducted through Video Conferencing.

This is an application for seeking directions for issuance of new passport on behalf of accused-applicant Uttam Gupta in case FIR No. 217/2018.

The application is pending since 24.08.2020. None has been appearing on behalf of the accused-applicant for the last several dates of hearing. None has joined through Webex hearing even today.

In the interest of justice, by way of last opportunity, put up on 04.11.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
02.11.2020

FIR No. Not known
PS: Not known
State Vs. Ganga Dayal
U/s Not Known

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Pradeep Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Ganga Dayal in case FIR No.

Heard.

Ld. Addl. PP submits that with great difficulty wife of the accused-applicant was traced and notice under Section 41 A CrPC in respect of the accused-applicant was served upon her, however, despite service of notice under Section 41 A CrPC, accused-applicant has not joined investigation.

Ld. counsel for accused-applicant submits that when interim protection was granted to the accused-applicant, at that stage also even details and particulars of the FIR had not been supplied to the accused-applicant and that no notice under Section 41 A CrPC has been served upon him and still he is not aware of the nature of accusation against him.

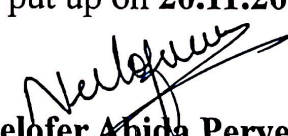
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Ld. Addl. PP submits that FIR bearing No.124/2015 under Section 193/195 IPC is registered against the accused-applicant alongwith other co-accused.

Ld. Addl. PP submits that for the purposes of investigation at this stage, as notice under Section 41 A CrPC has been served upon the wife of the accused-applicant and the accused-applicant despite service of notice has not joined the investigation, it would suffice for the progress of investigation if the accused-applicant is directed to join the investigation.

In such facts and circumstances of the case and taking into consideration the submissions made by Ld. counsel for accused-applicant that he is not served with copy of the FIR nor any kind of notice and as it is submitted on behalf of the State that notice under section 41A alone is served upon the wife of the accused-applicant in respect of the accused-applicant for joining investigation in connection with FIR No. 124/2015, at this stage, **interim protection already granted to the accused-applicant is extended till the next date of hearing with the direction to join the investigation in FIR No. 124/2015 on 05.11.2020, 07.11.2020, 09.11.2020, 13.11.2020 and 15.11.2020 and as and when called upon to do so by the IO and IO is directed to supply copy of FIR to the accused-applicant.**

For report and consideration, put up on **20.11.2020.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 1124
FIR No. 220/2020
PS: Subzi Mandi
State Vs. Manish

02.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. S. P. S Sharma, Counsel for accused-applicant (through video conferencing)


Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Manish in case FIR No.220/2020

Reply is filed.

Ld. Counsel for the accused-applicant seeks adjournment till 19.11.2020 submitting that father of the accused-applicant has been quarantined till 18.11.2020.

For consideration, put up on 19.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3298
FIR No. 428/2014
PS: Burari
State Vs. Gaurav

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)


Sh. Ayub Kkhan, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Gaurav in case FIR No. 428/2014.

Ld. Addl. PP seeks time to obtain further instructions from the IO in view of the query raised by the Court.

For further consideration, put up on **11.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3304
FIR No. 204/2020
PS: Roop Nagar
State Vs. Mohan Singh Chamola
U/s 409/420/467/468/471/34 IPC

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Rajeshwar Singh, Counsel for accused-applicant (through video conferencing)
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Mohan Singh Chamola in case FIR No. 204/2020.

Ld. counsel for the accused-applicant submits through the present application both prayers have been sought for grant of regular bail as well as for interim bail, however, at this stage he is pressing upon only the prayer for interim bail.

This Application therefore is being heard as an application for grant of interim Bail.

Ld. counsel for accused-applicant submits that the accused-applicant is patient of hyper-tension and sugar and it has been recently came to knowledge of his family members that he is seriously unwell in custody.

Let medical status report in respect of the accused-applicant be called from the Jail Superintendent.

For report and consideration, put up on **10.11.2020**.



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(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No.3303
FIR No. 224/2018
PS: Subzi Mandi
State Vs. Sharwan Kumar
U/s 419/420/467/471/34 IPC

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Sanjeev, Counsel for accused-applicant (through video conferencing)


Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Sharawan Kumar in case FIR No. 224/2018.

Ld. counsel for accused-applicant submits that accused-applicant was released on interim bail which was subsequently extended in terms of orders passed by Full Bench of Hon'ble High Court in Writ Petition No.3037/2020 till 31.08.2020. That the present application has come to be filed during the pendency of the interim bail period which period by virtue of order passed by the Hon'ble Supreme Court in SLP No. 23367/2020 titled as National Forum of Prison Reforms v. Govt. of NCT of Delhi stands extended till 26.11.2020. Ld. counsel seeks leave of the court to withdraw the present application in such facts and circumstances. It is ordered accordingly. This application under Section 439 CrPC for grant of regular bail moved on

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behalf of accused-applicant Sharawan Kumar in case FIR No. 224/2018 is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3300
FIR No. 347/2020
PS: Civil Lines
State Vs. Mursaleem @ Faheem
U/s 392/411/34 IPC

02.11.2020s

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Ashok Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Mursaleem in case FIR No. 347/2020.

Reply is filed.

Arguments heard. For orders, put up on **05.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3301
FIR No. 222/2020
PS: Timarpur
State Vs. Mursaleem

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Dinesh Yadav, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Mursaleem in case FIR No. 222/2020.

Reply is filed.

Arguments heard. For orders, put up on **05.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3294
FIR No. 399/2020
PS: Wazirabad
State Vs. Pushpak Bharti

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Dinesh Yadav, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Kripal Singh in case FIR No. 399/2020.

Reply is filed.

Ld. counsel for the accused-applicant submits that he has not been supplied with copy of any FIR, however, has received telephonic call from PS Wazirabad calling upon him to appear in PS in connection with some recovery of amount of Rs.25 lac.

Let copy of reply alongwith copy of FIR be forwarded to Ld. counsel for accused-applicant.

Ld. Addl. PP submits that allegations against the accused-applicant pertain to commission of offence under Section 376 IPC on false promise of marriage. That NBWs have been issued for the arrest of the accused-applicant and he is evading his arrest.

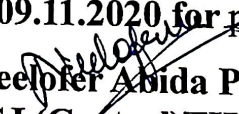
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Ld. counsel for accused-applicant however submits that no NBWs have been executed or served upon the accused-applicant, and submits that one notice under Section 161 CrPC was served upon him on 27.10.2020 and thereafter he has filed the present application for grant of anticipatory bail. Ld. counsel for accused-applicant seeks physical hearing taking into consideration the nature of accusation.

Ld. counsel also seeks interim protection till the next date of hearing. Taking into consideration the nature of accusation, however, as the allegations pertain to commission of offence under Section 376 IPC on the false promise of marriage, and as per the own admission on behalf of accused-applicant the prosecutrix is previously known to the accused-applicant, no ground is made out to grant interim protection to the accused-applicant.

As the case pertains to offence under Section 376 IPC, notice in the application be issued to the prosecutrix through the IO for the next date of hearing. Prosecutrix may join the proceedings through video conferencing.

For consideration, put up on **09.11.2020** for physical hearing.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3286
FIR No. Not known
PS: Gulabi Bagh
State Vs. Kripal Singh

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)


Sh. Bhishm Singh Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Kripal Singh.

Reply is filed.

During the course of arguments, Ld. counsel for accused-applicant submits that in view of the reply filed by the IO, he does not wish to press upon the present application for anticipatory bail and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Kirpal Singh is **dismissed as withdrawn in view of the reply of IO.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 3285
FIR No. Not known
PS: Gulabi Bagh
State Vs. Neelam

02.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Bhishm Singh Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Neelam.

Reply is filed.

During the course of arguments, Ld. counsel for accused-applicant submits that in view of the reply filed by the IO, he does not wish to press upon the present application for anticipatory bail and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Neelam is **dismissed as withdrawn in view of the reply of IO.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 2953
FIR No. 0079/2020
PS: Wazirabad
State Vs. Ajay
U/s 392/397/34 IPC

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

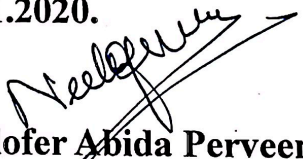
Proxy counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Ajay in case FIR No.0079/2020.

Ld. counsel appearing for accused-applicant seeks adjournment on the ground that main counsel is not available.

For arguments, put up on 11.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

B. A. No. 1423
FIR No. 58/2020
PS: Subzi Mandi
State Vs. Nilesh Devi Das & Ors.
U/s 406 IPC

02.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing).

Sh. Kehsav Garg, Counsel for accused-applicant (through video conferencing)

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Nilesh Devi Das and Devidas Ghadge in case FIR No.58/2020.

Ld. counsel for accused-applicants submits that the accused-applicants were granted interim protection under the previous order subject to their joining investigation and in terms of previous order, accused-applicant have joined investigation.

Ld. Addl. PP submits that he has not received reply of the IO as to whether accused-applicants have joined the investigation or not in terms of previous order or whether custodial interrogation is required in this case or not.

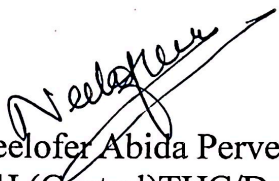
Ld. counsel for the accused-applicants submits that matter may be fixed on the physical date of hearing of the Court as due to network issue in his area he has not been able to connect Webex meeting

Nilesh

and the same was connected after several failed attempts.

Let report be called from the IO.

For report and consideration, put up on **17.11.2020** for **physical hearing. Interim protection is extended till the next date of hearing subject again to the condition that the accused-applicants continue to join the investigation as and when called upon to do so by the IO.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
02.11.2020

FIR No. 41/2018

PS: Kashmere Gate

State Vs. Wasim & Anr.

U/s 392/397/34 IPC & 25 Arms Act

02.11.2020

ORDER

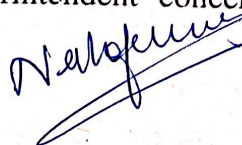
This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Wasim in case FIR No. 41/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. counsel for the accused-applicant contended that accused-applicant is in custody since 05.02.2018. That case of the accused-applicant covered under the guidelines issued by High Powered Committee of Hon'ble High Court dated 18.05.2020 as the accused-applicant has already undergone more than two years in custody and has clean antecedents.

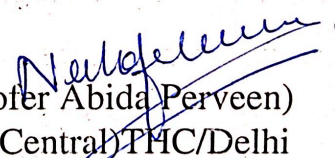
Ld. Addl. PP submits that as per conduct report received from Jail, the conduct of the accused in custody is unsatisfactory and he is therefore is not entitled for interim bail under the guidelines issued by High Powered Committee of Hon'ble High Court dated 18.05.2020.

Heard.

Report regarding conduct of accused-applicant in judicial custody alongwith custody certificate was called for and as per report received from the Jail Superintendent concerned, the conduct of the



accused-applicant in custody is reported to be unsatisfactory as he has been awarded punishment as per Prisons Rules on 24.12.2019 for fighting with other inmates. Accused-applicant therefore does not live up to the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi in order to decongest the prisons in Delhi due to out break of covid-19 pandemic as the conduct report is unsatisfactory though the accused-applicant has undergone over two years in custody in connection with the present case. No other ground is raised for grant of interim bail except guidelines laid down by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. **The present application of accused Wasim in case FIR No. 41/2018 for grant of interim bail is therefore dismissed.**


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

02.11.2020

FIR No. 41/2018

PS: Kashmere Gate

State Vs. Wasim & Anr.

U/s 392/397/34 IPC & 25 Arms Act

02.11.2020

ORDER

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Wasim in case FIR No. 41/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. counsel for the accused-applicant contended that accused-applicant is in custody since 05.02.2018. That case of the accused-applicant covered under the guidelines issued by High Powered Committee of Hon'ble High Court dated 18.05.2020 as the accused-applicant has already undergone more than two years in custody and has clean antecedents.

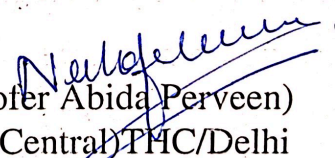
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Heard.

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(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

02.11.2020