

Bail Appl. No. 944/2020
FIR No. 436/16
PS : ODRS
U/s : 379/34 IPC
State Vs. Shikhar Bhardwaj

28.08.2020

At 01:12 PM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Sachin Sharma, Ld. Counsel for the applicant/ accused.
The matter has been taken up through Video Conferencing by
means of Webex Meet.

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld.
District & Sessions Judge (HQs), Delhi.

TCR has not been produced today.

Let the TCR be summoned for **04.09.2020**.

A copy of this order be uploaded on the official website of Delhi
District Courts.

(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)

**Bail Appl. No. 830/2020
FIR No. 425/19
PS : Karol Bagh
U/s : 385 IPC & Sec. 25/27/54/59
Arms Act
Govind @ Golu Vs. State**

28.08.2020

At 11:20 AM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Vikas Jain, Ld. Counsel for the applicant/ accused.
IO SI Shree Narayan Ojha, (No. D-5368, PS Karol Bagh) is
present.
The matter has been taken up through Video Conferencing by**

means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused seeks an adjournment.

At request, matter stands adjourned for **10.09.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

**Bail Appl. No. 902/2020
FIR No. 210/20
PS : Sarai Rohilla
U/s : 186/353/307/34 IPC & Sec. 27/54 Arms Act
State Vs. Mohd. Ashqin**

28.08.2020

At 11:30 AM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Suraj Prakash, Ld. Counsel for the applicant/ accused.
The matter has been taken up through Video Conferencing by**

means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO is stated to be not available today.

At request, matter stands adjourned for **29.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

Bail Appl. No. 1017/2020

FIR No. 210/2020

PS : Sarai Rohilla

**U/s : 186/353/307/147/148/149/379/34 IPC & Sec. 27/54 Arms Act
State Vs. Arif @ Sakil**

28.08.2020

At 11:30 AM

**Fresh bail application u/s 438 Cr.PC filed. It be checked
and registered.**

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Suraj Prakash, Ld. Counsel for the applicant/ accused.

The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld.
District & Sessions Judge (HQs), Delhi.

IO is stated to be not available today.

At the request of the Ld. Counsel for the applicant/ accused,
matter stands adjourned for **11.09.2020**

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

Bail Appl. No. 1018/2020
FIR No. 210/2020
PS : Sarai Rohilla
U/s : 186/353/307/147/148/149/379/34 IPC &
Sec. 27/54 Arms Act
State Vs. Mohd. Fardeen

28.08.2020
At 11:30 AM

Fresh bail application u/s 438 Cr.PC filed. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Suraj Prakash, Ld. Counsel for the applicant/ accused.
The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO is stated to be not available today.

At the request of the Ld. Counsel for the applicant/ accused, matter stands adjourned for **11.09.2020**

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)

**Bail Appl. No. 1012/2020
FIR No. 94/2020
PS : I.P. Estate
U/s : 379/411 IPC
State Vs. Shahbuddin**

**28.08.2020
At 11:55 AM**

Fresh application U/s 439 CrPC has been moved on behalf of the applicant/ accused for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh.Arun Saxena, Ld. Counsel for the applicant/ accused.
IO SI Satyender, (No. 797/D, PS I.P. Estate is present.
The matter has been taken up through Video Conferencing by means of Webex Meet.**

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

It is stated by the Ld. Counsel for the applicant/ accused that the recovery has already been effected in the present matter. It is further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused is languishing in judicial custody since 08.08.2020. It is further submitted that the investigation is complete and no fruitful purpose would be served by detaining the applicant/ accused in judicial custody. A prayer has been made for grant of bail to the applicant/ accused.

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Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

This court has considered the rival submissions. Recovery has already been effected. The investigation is complete qua applicant/accused. The applicant/ accused is languishing in judicial custody since 08.08.2020. The applicant/ accused is no longer required for the purpose of investigation. The trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/ accused **Shahbuddin** is admitted to bail on furnishing a bail bond in a sum of Rs. 5,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent concerned, subject to following conditions :-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

**Bail Appl. No.1013/2020
FIR No. 112/2020
PS : Rajinder Nagar
U/s : 379/411 IPC
State Vs. Shahbuddin**

**28.08.2020
At 11:50 AM**

Fresh application U/s 439 CrPC has been moved on behalf of the applicant/ accused for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Arun Sexena, Ld. Counsel for the applicant/ accused.
IO SI Ali Akram, (No. D-5508, PS Rajinder Nagar) is present.
The matter has been taken up through Video Conferencing by means of Webex Meet.**

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

It is stated by the Ld. Counsel for the applicant/ accused that the recovery has already been effected in the present matter. It has been further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused is languishing in judicial custody since 19.08.2020. It has been further submitted that the investigation is complete and no fruitful purpose would be served by detaining the applicant/ accused in judicial custody. A prayer has been made for grant of bail to the applicant/ accused.

Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

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**FIR No. 112/2020
State Vs. Shahbuddin**

This court has considered the rival submissions. Recovery has already been effected. The investigation is complete qua applicant/accused. The applicant/ accused is languishing in judicial custody since 19.08.2020. The applicant/ accused is no longer required for the purpose of investigation. The trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/ accused **Shahbuddin** is admitted to bail on furnishing a bail bond in a sum of Rs. 5,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent concerned, subject to following conditions :-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

**Bail Appl. No. 1015/2020
FIR No. 12/18
PS : Karol Bagh
U/s : 356/379/411/174A IPC
State Vs. Bharat @ Mirchi**

28.08.2020

At : 12.30 PM

Fresh application U/s 439 CrPC has been moved on behalf of applicant/ accused Bharat @ Mirchi for grant of bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Lokesh Kumar Garg, Ld. Counsel for the applicant/ accused.
IO ASI Sanjeev, (No. D-392/C, PS Karol Bagh) is present.
The matter has been taken up through Video Conferencing by means of Webex Meet.**

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

It is stated by the Ld. Counsel for the applicant/ accused that no summons were received from the court. It is further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused is languishing in judicial custody since 15.07.2020. It is further submitted that no fruitful purpose would be served by detaining the applicant/ accused in judicial custody. A prayer has been made for grant of bail to the applicant/ accused.

Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

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FIR No. 12/18
State Vs. Bharat @ Mirchi

This court has considered the rival submissions. The applicant/accused is languishing in judicial custody since 15.07.2020. Copy of report dated 19.08.2020 issued by Jail Superintendent and placed on record by Id. Counsel today reflects that applicant/accused is suffering from fractures in both his lower limbs. No purpose would be served by detaining the applicant/accused in JC. The trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/accused **Bharat @ Mirchi** is admitted to bail on furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent concerned, subject to following conditions :-

- a) the applicant/accused shall not influence the witnesses;
- b) the applicant/accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/accused shall also provide his as well as his surety's mobile number to the IO/SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)

**Bail Appl. No. 1016/2020
FIR No. 84/19
PS : I.P. Estate
U/s : 420/467/468/471/120B IPC
Bhupender Singh Chauhan Vs State**

**28.08.2020
At 01:10 PM**

Fresh application U/s 439 CrPC has been moved on behalf of applicant/ accused Bhupender Singh Chauhan for grant of interim bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajeev Tehlan, Ld. Counsel for the applicant/ accused.
Sh. Puneet Jain, Ld. Counsel for the complainant.
The matter has been taken up through Video Conferencing by means of Webex Meet.**

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has sent in a request for adjournment in writing on the ground that he is out of station.

At this stage, Ld. Counsel for the applicant/ accused submits that a medical report of the applicant/ accused may be called from the Jail Superintendent concerned.

Let a status report with respect to the health condition of the applicant/ accused be summoned/ called from the Jail Superintendent concerned on or before next date of hearing. A copy of this order be sent to the Jail Superintendent concerned for compliance.

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FIR No. 84/19

Bhupender Singh Chauhan Vs State

Be put up again on **03.09.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)

**Bail Appl. No. 1019/2020
FIR No. 292/18
PS : Karol Bagh
U/s : 498/406 IPC
Santosh Kumar Haider Vs State**

**28.08.2020
At 01:17 PM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
None for the applicant/ accused.
Sh. Manoj Goswami, Ld. Counsel for the complainant.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

It is reported by the Reader of this Court that this matter is reflected in the Bail Cause-List and this application was filed on behalf of the applicant/ accused electronically but the same could not be downloaded despite repeated efforts. Ld. Counsel could not be contacted today.

In these circumstances, let a Parcha Yadasat be prepared.

Be put up again on **11.09.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

**FIR No. 368/19
PS : Sarai Rohilla
U/s : 498A/406/34 IPC
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1. Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)**

**28.08.2020
At 12:17 PM**

Fresh applications U/s 438 CrPC have been moved jointly on behalf of the applicants/ accused persons Puneet and Shalu as well as Inder Prakash and Satendri Devi for grant of anticipatory bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Ravinder S. Garia, Ld. Counsel for the applicants/
accused.
IO SI Vikas Tomar, (No. D-5761, PS Sarai Rohilla) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Upon a query by this Court, IO has submitted that the complainant was informed about the hearing of the present bail applications and was also sent a link of the Video Conferencing but she has not joined the proceedings.

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FIR No. 368/19
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1. Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)

Joint reply sent in by the IO to the above-said applications perused. Oral submissions heard.

Brief facts, as per the present FIR, are that with the consent of the elders in both the families, the complainant was got married to one Narender Pal, on 08.02.2018. Complainant states that gifts and other articles were given to her by her family and relatives at the time of her marriage. Complainant further states that one day, her mother-in-law namely Satendri Pal and father-in-law Inder Prakash Pal told her to bring Rs. 5 Lakhs from her parents so that the previous debts of her husband Narender Pal (to the tune of Rs. 5 Lakhs) could be paid off, otherwise she can leave their house. Complainant states that she was disturbed by the said conduct of her in-laws. Complainant further states that her sister-in-law Ms. Shalu Pal and brother-in-law Puneet Pal also used to mentally harass her and abused her on the pretext of daily chores etc. and also used to taunt her for bringing less dowry. Complainant further states that when she narrated all this to her husband Narender Pal, he advised her to obey the demands raised by his family members. Complainant further states that her husband Narender Pal pledged the car bearing registration no. DL-8CAT-5770, which was gifted to her by her family as *Istridhan* and which is registered in her

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name, with his friends without her knowledge. Complainant further states that when she discussed about car, her husband shouted at her and told her to keep her mouth shut. Complainant further states that in September, 2018, her husband took away all her jewellery and handed over the same to her mother-in-law Satendri Pal and told her to sell the same so that his previous debts could be paid off. Complainant further states that in October, 2019 she again requested her husband Narender Pal to bring back her above-said car, but her husband got furious and struck his own head and hands against the walls leading to a fracture in one of his hands. Complainant further states that she started crying, but still her husband called her parents and made her talk to her mother to get the sum of Rs. 5 Lakhs. Complainant further states that her brother arrived at the spot and took her back. Afterwards, her brother asked about the above-said car from her husband Narender Pal, who then handed over the said car to her brother very reluctantly after bringing the same from his friend. Complainant further alleges that her husband Narender Pal once took away her ATM Card on the pretext of getting petrol filled in his motorcycle, but he withdrew Rs. 2 Lakhs and then told her father that the loss of Rs. 2 Lakhs must have been caused due to some cyber criminal. Complainant further states that in December, 2018, her in-laws came to her parental home and requested

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FIR No. 368/19

1. Puneet and 2. Shalu Vs. State (Bail Appl. No. 1014/2020)

1. Inder Prakash and 2. Satendri Vs. State (Bail Appl. No. 1020/2020)

her to return to matrimonial home but they demanded a sum of Rs. 5 Lakhs to pay off previous debts of her husband. Complainant further states that her in-laws then left after using abusive language. Complainant further states that after a few days her husband Narender Pal came to her place of duty and asked her to accompany him to matrimonial home. Complainant further states that she told him that he should firstly stop availing loans and pledging things, whereafter she would accompany him to matrimonial home. Complainant further states that her husband Narender Pal again got furious and threatened to push their bike before a running bus. Complainant further states that she returned to her parental home and narrated the same to her parents. Complainant further states that on 14.02.2019, her husband Narender Pal came to her home and asked her parents as to what assurances they need in writing from him before they let complainant accompany him to matrimonial home. Complainant further states that her husband took photographs of the written material (prepared by complainant/her family) and left for his home, but did not respond for about a month. Complainant further states that afterwards, her husband called her father and threatened him that he shall sell off all the *istridhan* articles to pay off his previous debts. Complainant further states that on 06.03.2019, her father-in-law called her father and threatened him and also

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FIR No. 368/19
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1. Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)

used abusive language. Thereafter, the Complainant got the present FIR registered..

Ld. Counsel for the applicants/ accused persons submits that the marriage of the complainant and her husband Narender Pal was in fact a love marriage. Ld. Counsel submits that both were having an affair before marriage and he has placed on record a copy of the screen shot dated 26.02.2017 in order to substantiate this submission. Ld. Counsel accordingly argues that in such a case, the question of demand of dowry does not arise. Ld. Counsel submits that all the allegations leveled in the FIR are false and fabricated. Ld. Counsel submits that the main issue between the complainant and her husband is the fact that the husband of complainant previously availed certain loans, due to which the complainant felt aggrieved and which caused misunderstandings and dis-agreements between them. Ld. Counsel has further argued that a draft agreement (placed on record with the applications) prepared by complainant/her family to settle the matter between husband and wife also supports his argument, as no allegation of dowry demand is mentioned therein. Ld. Counsel further submits that the allegations against all the applicants, who happen to be father-in-law, mother-in-law, younger brother-in-law and younger sister-in-law are a result of said misunderstandings and dis-agreements

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FIR No. 368/19
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1. Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)

between the complainant and her husband. Ld. Counsel further submits that the applicants Puneet and Shalu are aged about 20 years and 22 years respectively, are yet to begun their lives and careers, are having deep roots in the society and have no criminal antecedents. Qua the other applicants namely Inder Prakash Pal and Satender Pal, it is submitted that both are respectable citizens, having deep roots in the society and have no criminal antecedents. It is further submitted that the names of all these applicants have been unnecessarily dragged in by the complainant in spite of the fact that the disputes, if any, are between the husband and wife only. Accordingly, a prayer has been made for grant of anticipatory bail to all the applicants.

Ld. APP for the state opposes this prayer vehemently. IO has submitted in his reply that the investigation is at a preliminary stage and jewellery as well as amount of 02 lakhs belonging to the complainant is yet to be recovered from the possession of the in-laws/husband of the complainant. Upon query by this court, IO submits that he is yet to take the permission to arrest either of the applicants/ accused persons. IO further submits that he has issued a notice U/s 91 CrPC to the complainant seeking details & photographs of the dowry articles (including jewellery), source of income from which the same were purchased and other case related documents.

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FIR No. 368/19
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1. Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)

This Court has considered the rival submissions.

Firstly this Court shall deal with the joint application moved on behalf of **Puneet and Shalu**, who are the brother-in-law and sister-in-law respectively of the complainant. It is apparent from the submission of IO, to the effect that he is still in the process of collecting materials from the complainant, that the investigation in the case is at a preliminary stage. However, it may be noted here that the allegations against the applicants/ accused persons namely Puneet and Shalu are only to the effect that they were harassing and mentally torturing the complainant in order to pressurize the complainant to bring a sum of Rs. 5 Lakhs from her maternal home as a dowry. Except for certain vague statements, No other specific allegation has been levelled against the said applicants/ accused persons in the FIR and as such the said allegations do not seem to necessitate their custodial interrogation. Admittedly, no recovery is to be effected from either of the said applicants/ accused persons. Admittedly, both the applicants are young and do not have any previous antecedents.

In the facts and circumstances noted above and without commenting on the merits of this case, it is directed that in the event of arrest, the applicants/ accused persons namely **Puneet and Shalu** be admitted to bail in a sum of Rs. 10,000/- each with one respective surety in the like amount to

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FIR No. 368/19

1. Puneet and 2. Shalu Vs. State (Bail Appl. No. 1014/2020)

1. Inder Prakash and 2. Satendri Vs. State (Bail Appl. No. 1020/2020)

the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ SHO/IO concerned. However, it is directed that the applicants/ accused persons shall join the investigation as and when so directed by the IO/ SHO concerned, shall not tamper the witnesses, shall not repeat the same offences, shall not abscond and shall keep the IO/ SHO informed about any change in their residence henceforth. With the above observations, the respective anticipatory bail application stands disposed of. A copy of this order be sent to the Jail Superintendent concerned for necessary information and compliance. **File of Bail Application no. 1014/2020 be consigned to record room, as per rules.**

Now, we come to the prayer made on behalf of applicants/ accused persons namely **Inder Prakash Pal and Satendri Pal** in their joint application for grant of anticipatory bail. IO submits that he is still to recover the jewellery belonging to the complainant, which is in the possession of the above-said applicants. Ld. Counsel submits that the said applicants/ accused persons are willing to return the same. In view of above, IO submits that the applicants/ accused persons may be directed to join the investigation on **31.08.2020 at 2:00 pm**. Applicants/ accused persons are accordingly directed to join the investigation on the above-said date and time.

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FIR No. 368/19
1. Puneet and 2. Shalu Vs. State (Bail
Appl. No. 1014/2020)
1.Inder Prakash and 2. Satendri Vs.
State (Bail Appl. No. 1020/2020)

This application (file of bail application no. 1020/2020) be put up again on **14.09.2020**. Till then, no coercive action shall be taken against the applicants/ accused persons **Inder Prakash and Satendri Devi**. However, it is clarified that these directions may not be construed as an impediment by the police to investigate in the present FIR. Moreover, the applicants/ accused persons shall join the investigation as and when so directed by the IO concerned.

A copy of this order be placed on the files of both the bail applications.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)

**Bail Appl. No. 136/2020
FIR No. 208/2020
PS : Prasad Nagar
U/s : 376 IPC
State Vs. Rakesh Kumar Sah**

**28.08.2020
At 11:50 AM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Naresh Kumar, Ld. Counsel for the applicant/ accused.
Victim in person(identified and accompanied by IO).
IO W/SI Pinki, (No. 3215/D, PS Prasad Nagar) is present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld.
District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused. Submissions heard.

Be put up at **4 pm** for orders.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**

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**FIR No. 208/2020
PS : Prasad Nagar
U/s : 376 IPC
State Vs. Rakesh Kumar Sah**

28.08.2020

At 4 pm.

**ORDER ON THE APPLICATION U/s 439 CrPC MOVED ON BEHALF OF THE
APPLICANT/ ACCUSED RAKESH KUMAR SHAH**

Present : None.

Brief facts, as per the present FIR registered on 27.07.2020, are that the prosecutrix met the applicant/ accused around one week before the registration of the present FIR for the purpose of getting herself employed. On 26.07.2020, she went to the house of her sister Kavita, which is situated near the Bungalow of the employer of the applicant/ accused. At around 10 pm, applicant/ accused called her telephonically to his home situated at DBG Road on the pretext of getting her employed somewhere. Prosecutrix reached at H. No. 6777, Dev Nagar, Karol Bagh, where she was forcibly dragged by the applicant/accused to the third floor. Prosecutrix states that she was subjected to forcible sexual intercourse by the applicant/ accused and was also slapped by him. Prosecutrix further states that applicant/ accused took her photographs in a naked condition, tore her shirt and threatened her

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not to relate the incident to anyone failing which he would disclose her objectionable photographs to others. Prosecutrix states that at around 11 pm she successfully escaped from the spot and reached her home where she narrated the incident to her sister. Prosecutrix states that a telephonic call was made to the police immediately and the present FIR was got registered after her medical examination.

Ld. Counsel for the applicant/ accused argues that the entire story narrated in the present FIR is false and fabricated. Ld. Counsel submits that the place of occurrence is covered by CCTV cameras. Ld. Counsel has placed on record 02 video clips before this Court through whatsapp during the hearing of the present application. The duration of the said video clips is of 2:50 minutes each. Ld. Counsel refers to the said video clips and argues that one of the said video clip records the movement of the prosecutrix and the applicant/accused from ground to the third floor and the other video clip records the movement of both the applicant/ accused as well as the prosecutrix from third floor to the ground. Ld. Counsel submits that either of the said video clips do not reflect that the prosecutrix was being dragged either while going upstairs or while coming down stairs. Ld. Counsel submits that the prosecutrix has got the present FIR registered in order to extort money. Ld. Counsel further submits that the entire occurrence was consensual in nature. Ld. Counsel further submits that the applicant/ accused may be granted bail.

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Ld. APP for the state opposes the prayer for grant of the bail of the applicant/ accused on the ground of seriousness of allegations. IO has submitted that she has already seized the DVR of the CCTV cameras and forwarded the same to the FSL. She further submits that the victim has supported the case of the prosecution even in her statement recorded U/s 164 CrPC.

This Court has considered the rival submissions.

At the very outset, this Court has asked the IO, with whom the prosecutrix is present, to report as to whether the prosecutrix identifies the woman seen in the 02 video clips referred to by the Ld. Counsel for the applicant/ accused. IO has reported orally that the prosecutrix identifies the woman in both the said video clips as herself. It could be observed that in one video clip, at about 21:45:42 hrs., the prosecutrix is seen following the applicant/ accused while going up the stairs. In the second video clip the prosecutrix is again seen following the applicant/ accused at about 22:54:06 hrs., while coming down the stairs. In neither of the video clips, the prosecutrix seems disturbed, nor the same reflect that the prosecutrix was dragged forcibly by the applicant/ accused.

Here this Court must also deal with the submissions of Ld. APP to the effect that the authenticity of said video clips is yet to be ascertained by the

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FSL. IO has submitted that FSL has not sent any report in this regard till date. However, when this Court put a query to the IO as to whether any such offence was committed against the prosecutrix by the applicant/ accused previous to the present incident, the IO has replied in negative. The necessary corollary is that the alleged offence was committed against the prosecutrix by the applicant/ accused only on one occasion, as reported in this FIR. The prosecutrix has admitted herself to be available in the CCTV footage of the staircase which was used by her before and after the incident. At this stage, it would not be appropriate to disbelieve the said video footage merely because the same has been placed on record by the Ld. Counsel for the applicant/ accused, particularly, when the prosecutrix does not dispute her identity in the same and more so in view of the fact that the FSL reports are always received belatedly.

Apart from the above, it must be observed that the prosecutrix claims to have escaped from the spot of occurrence at around 11 pm (as per FIR). In the statement recorded U/s 164 CrPC, prosecutrix states that she pushed the accused and ran away from the spot after taking the T-shirt of the applicant/ accused. This 'escape' implies that the prosecutrix's behavior, at the time of her 'escape', should be reflected in her gait and mannerism after undergoing such an ordeal. But in the video clips her gait and mannerism don't

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reflect any abnormality while coming down the stairs. Rather she is seen to be following the applicant/accused at the relevant time. This contradiction can't be ignored even at this stage.

Without commenting further on the merits of the case and in view of the fact that the applicant/ accused is languishing in judicial custody since 27.07.2020, that investigation qua the applicant/ accused is already complete and in view of the unabated spread of COVID-19, the applicant/ accused **Rakesh Kumar Sah** is admitted to bail on furnishing a bail bond in a sum of Rs. 15,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent concerned, subject to following conditions :-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly. A copy of this order be sent to the Jail Superintendent concerned for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO-MACT-02(Central),
Delhi/28/08/2020(k)**