

FIR No. : 298/2012
PS: Sarai Rohilla
State v. Shiv Prasad & Ors.

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
None for accused persons.

The present case is today pending at the stage of final arguments regarding such matter and stage vide order dated 16.05.2020 passed by Ld. District & Sessions Judge (HQ) bearing no. 9784-9885/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020. It is directed that in view of directions/office order by Hon'ble High Court no. R-235/RG/DHC/2020 dated 16.05.2020, court shall take matters ready for final arguments while giving preference to all more than ten years cases where accused are in JC.

It is further directed that all such matters shall be taken by Trial court through Video Conferencing only through Cisco Webex. It is further directed that counsel for both sides may be impressed upon to send brief written submissions through e-mail. It is further directed that no adverse order shall be passed by the subordinate courts without giving hearing through video conferencing or without having written submissions from the concerned counsel.

It is further directed that an independent e-mail ID for said purpose be made.

Accordingly, an e-mail ID i.e. asj04.central@

FIR - 298/2012
PS - Sarai Rohilla
State of Shiv Prasad

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gmail.com is created in this court. Further, today this court is having bail duty also and therefore, due to such bail duty hearings and order till 5.30 pm, no time is left for hearing arguments in the present matters and as such intimation regarding next date of hearing is given through Reader through telephone to the concerned advocate as per phone number and name available on record. Further, as such present case is kept for final arguments through Video Conferencing through Webex for next date of hearing i.e. 15.07.2020.

It is may further be noted as far as present case is concerned, it is neither a ten years old matter nor a JC matter.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

FIR No. : 69/2012
PS: Sarai Rohilla
State v. Kailash Kumar & Ors.

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
None for accused persons.

The present case is today pending at the stage of final arguments regarding such matter and stage vide order dated 16.05.2020 passed by Ld. District & Sessions Judge (HQ) bearing no. 9784-9885/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020. It is directed that in view of directions/office order by Hon'ble High Court no. R-235/RG/DHC/2020 dated 16.05.2020, court shall take matters ready for final arguments while giving preference to all more than ten years cases where accused are in JC.

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It is further directed that an independent e-mail ID for said purpose be made.

Accordingly, an e-mail ID i.e. asj04.central@

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gmail.com is created in this court. Further, today this court is



FIR - 69/2012
PS - Sonai Bahilla
State vs Kailash
Kumar

having bail duty also and therefore, due to such bail duty hearings and order till 5.30 pm, no time is left for hearing arguments in the present matters and as such intimation regarding next date of hearing is given through Reader through telephone to the concerned advocate as per phone number and name available on record. Further, as such present case is kept for final arguments through Video Conferencing through Webex for next date of hearing i.e. 15.07.2020.

It is may further be noted as far as present case is concerned, it is neither a ten years old matter nor a JC matter.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

FIR No. 303/14
PS.: Subzi Mandi
State v. Surender
U/s: 302/307/120-B IPC

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is taken through his learned counsel in this regard.

7. Application stands disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi
18.05.2020

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order to to reduce and detect spread of Corona infection ,when the accused surrender back to jail ,as also for better ensure that he do not flee from justice , and further that social distancing is maintained between accused and police official concerned during pandemic period, he is directed as above.

It may also be note that earlier court was ordering, in appropriate cases, physical attendence of such accused before SHO physical, e.g. once a week.

In today's corona times ,court should not and thus do not direct the physical attendence in police station, including having regard to nature of corona infection , social distancing norms as well as due to the inconvineince which may be faced by accused due to lockdown .

Further as the current pendamic situation and problems being faced on account of lock-down due to the same, are also urged by the accused/applicant side. Therefore, apart from other well settled grounds, such above mentioned conditions are deemed to be fit in overall facts and circumstances of the present case, as it is not desired otherwise to direct accused to mark physical attendence in the police station or no attendence at all. Thus as a viable alternative to such condition to physical attendence it is ordered as above. Further, when the accused need to surrender back to jail, it will assist in screening against corona infection.

It may further be noted that consent of the accused

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- vi). applicant shall convey any change of address immediately to the IO and the court;
- vii). applicant shall also provide her mobile number to the IO;
- viii). applicant shall mark his attendance before concerned IO ,and if he is not available then to concerned SHO, every alternative /second day through mobile by sharing his location with the SHO concerned;
- ix). applicant shall further make a call, preferably by audio plus video mode to concerned IO, and if he is not available then to concerned SHO, once a week, preferably on Monday ,between 10 a.m. To 5 p.m. Through.
- x). Applicant shall keep his such mobile number 'Switched On' at all the time and particularly between 8 am to 8 pm everyday.
- xi). Applicant shall install '**Aarogya Setu**' App on his mobile phone and will keep IGPS as well as Bluetooth ON all the time during the period of such interim bail.

6. It may be noted, that when different aspects are interconnected, then a holistic approach need to be taken .Since interim bail is granted in this case , thus after the expiry of the period of such bail the accused had to surrender back in concerned jail .

In this background , to get sufficient information ,in

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4. On the other hand, interim bail application is opposed. It is stated that offence is heinous in nature and not covered in the guidelines issued by Hon'ble High Court of Delhi as mentioned above.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case. In present case, in report dated 17.05.2020 filed by the police the medical condition of the wife of the accused as well as the residence is found to be correct. Further, earlier also he was granted interim bail and he duly surrendered after availing the same. Therefore, in the interest of justice, interim bail of applicant/accused is allowed apart from furnishing personal bond and surety bond in the sum of **Rs.15,000/-** with **one** surety of the like amount, subject to following conditions :

- i). Interim bail is allowed till 15.06.2020. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly;
- ii). applicant shall not flee from the justice;
- iii). applicant shall not tamper with the evidence;
- iv). applicant shall not threaten or contact in any manner to the prosecution witnesses;
- v). applicant shall not leave country without permission;

BAIL APPLICATION

FIR No. 303/14
PS.: Subzi Mandi
State v. Surender
U/s: 302/307/120-B IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Neeraj Kumar Jha, Ld. counsel for
applicant/accused (through Video Conferencing).

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors."; Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.*

2. Arguments heard through Video Conferencing.

3. It is stated in the application that he seeks directions that he be released on interim bail for thirty days in view of poor health condition of his wife who is having difficulty in breathing, chest infection and further that he has two minor children below four years, thus there is a very difficult situation due to present corona virus pandemic. That he is in JC since March, 2017. That he is the only male member in the family. That earlier he was granted interim bail twice on 06.06.2018 and same was even extended by Hon'ble High Court of Delhi and thereafter he duly surrendered in the court.

station or no attendance at all. Thus as

FIR No. : 143/13
PS: Rajender Nagar
State v. Harpreet Singh
U.S. 364A/342/323/120B/34 IPC

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a viable alternative to such condition to physical attendance it is ordered as above. Further when the accused need to surrender back to jail, it will assist in screening against corona infection.

7. Application stands disposed off accordingly.

Further, a copy of this order be sent to SHO/IO concerned through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

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interconnected, then a holistic approach need to be taken .Since interim bail is granted in this case , thus after the expiry of the period of such bail the accused had to surrender back in concerned jail .

In this background , to get sufficient information, in order to to reduce and detect spread of Corona infection, when the accused surrender back to jail ,as also for better ensure that he do not flee from justice , and further that social distancing is maintained between accused and police officers, he is directed as above.

It may also be note that earlier court was ordering, in appropriate cases, physical attendance of such accused before SHO physical, e.g. once a week.

In today's corona times ,court should not and thus do not direct the physical attendance in police station, including having regard to nature of corona infection , social distancing norms as well as due to the inconvenience which may be faced by accused due to lockdown .

Further as the current pandemic situation and problems being faced on account of lock-down due to the same, are also urged by the accused/applicant side. Therefore, apart from other well settled grounds, such above mentioned conditions are deemed to be fit in overall facts and circumstances of the present case, as it is not desired otherwise to direct accused to mark physical attendance in the police

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concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly;

- (ii) applicant shall not flee from the justice;
 - (iii) applicant shall not tamper with the evidence;
 - (iv) applicant shall not threaten or contact in any manner to the prosecution witnesses;
 - (v) applicant shall not leave country without permission;
 - (vi) applicant shall convey any change of address immediately to the IO and the court;
 - (vii) applicant shall also provide her mobile number to the IO;
 - (viii) applicant shall mark his attendance before concerned IO, and if he is not available then to concerned SHO, every alternative /second day through mobile by sharing his location with the SHO concerned;
 - (ix) applicant shall further make a call, preferably by audio plus video mode to concerned IO, and if he is not available then to concerned SHO, once a week, preferably on Monday between 10 a.m. to 5 p.m.
 - (x) Applicant shall keep his such mobile number 'Switched On' at all the time and particularly between 8 am to 8 pm everyday.
 - (xi) Applicant shall install 'Aarogya Setu' App on his mobile phone and will keep IGPS as well as Bluetooth ON all the time during the period of such interim bail.
6. It may be noted, that when different aspects are

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wife of accused for medical treatment. That case is at the stage of final argument. Let even earlier Hon'ble High Court granted interim bail to this accused .

4. On the other hand, interim bail application is opposed by the State. It is stated that he is seeking time and again interim bail on the same ground. It is further pointed out that earlier the learned Trial court even observed that accused should make alternative arrangements. Still he has failed to make the same. But it is admitted that case is at the final stage.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case. In present case, although it is true that earlier interim bail was given to the accused on similar grounds. He was even asked to make alternative arrangements for looking after his wife. But the fact remains that at present there is lock-down and pandemic condition where such alternative arrangements may not work for time being. Further, conduct of the accused is satisfactory so far and admittedly the case is at final stage, therefore, there is no possibility of tampering the evidence or threatening the witness. Therefore, in the interest of justice, interim bail of applicant/accused is allowed apart from furnishing personal bond and surety bond in the sum of **Rs.15,000/-** with **one** surety of the like amount, subject to following conditions :

(i) Interim bail is allowed till 15.06.2020. After completion of the interim bail period applicant shall surrender before

BAIL APPLICATION

FIR No. : 143/13
PS: Rajender Nagar
State v. Harpreet Singh
U/S: 364A/342/323/120B/34 IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Sanjay Suri, Ld. counsel for applicant/accused
(through Video Conferencing).

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors."; Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.*
2. Arguments heard through Video Conferencing.
3. It is stated in the application, as also argued by learned counsel for applicant, that earlier time and again accused was granted interim bail on the ground of medical condition of his wife who is hyper-obese and weighing about 140 Kg and suffering from diseases relating to over-weight. That he duly surrendered after availing such bail. That his wife is not keeping well. That so far neighbours were helping in the treatment of the wife and taking her to the hospital but due to lock-down and pandemic condition at present they are no more in a position to help her. As such, there is nobody to take the

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State Vs Sarvesh Singh
FIR No. 776/2019
PS, Sarai Rohilla

12/03/2020 which is still pending and could not be heard due to lockdown. It is further mentioned in such para 2 of such application that present bail application be treated as part and parcel of the above pending bail application dated 12/03/2020.

But on perusal of the record copy of such pending application is not annexed alongwith the present bail nor such record is with this court before the regular trial court.

It is further not clear as to which is regular is regular court of the present case.

As such, put up for clarification / placing on record the application dated 12/03/2020, further arguments and appropriate order on **22/05/2020**.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Sarvesh Singh
FIR No. 776/2019
PS.: Sarai Rohilla
U/s: 302, 201, 120B, 34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Gopal Jha, learned counsel for applicant through V.C.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors."; Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Arguments heard.

Put up for orders / clarification at 4:00 PM.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

At 5:00 PM

Present: None.

On going through the present bail application, para 2 itself revealed that such applicant also filed regular bail application dated

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State Vs Arsalan Ali
FIR No. 182/2017
PS. : Kamla Market

admitted to bail by the Jail Superintendent but later same was pointed out to the court and as such, interim bail granted to the present accused was canceled vide order dated 29/04/2020.

With these observations the present application is disposed off as dismissed. Copy of order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Arsalan Ali
FIR No. 182/2017
PS.: Kamla Market
U/s: 395/397/412/120B IPC r/w section 25/27 Arms Act

18/05/2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Bharat Dubey, learned counsel for applicant, in person.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time, present application is taken up.

Reply filed

Heard in detail. Further, I have gone through the facts of the present application and the arguments addressed. It is stated in the present application, as also argued by the learned counsel for the accused, that similar situated co-accused has been released by Jail Superintendent for 45 days. It is further argued that applicant was operated upon for his ENT problem when he was 15 years old and is still suffering from many months serious ENT problem, still the jail authority concerned is only providing him pain killers, although, accused requires immediate surgical intervention. That during regular trial, medical status record was called by the regular court which is this court only, from the jail authority but in the meanwhile, lockdown

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BAIL APPLICATION

State Vs Mehboob Alam
FIR No. 139/2011
PS: I.P. Estate
U/S: 364A/302/394/201/120B/34 IPC

18/05/2020

Present: Mr. K.D. Pachori, Learned Addl. PP for the State.
Mr. Tanzeem Hussain, Learned counsel for the applicant / accused
through video conferencing.

The observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 15/05/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of

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BAIL APPLICATION BY APPLICANT

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State Vs Mohd. ...
FIR No. 138
PS: I.P. Estate

seven times and he duly surrendered after availing the same.
On the other hand, in reply dated 18/05/2020 filed by Inspector A.P. Singh, the factum of illness of the mother is not denied. It is further admitted that neighbours are looking after and helping her at present. It is further stated that he is involved in planning of the conspiracy of the offence in question. It is submitted by the IO that offence is heinous in nature including u/s 302 and 364A IPC.

Under these circumstances, when bail to the co-accused is already granted by the Hon'ble High court recently on 24/04/2020, which order is perused by this court as annexed while granting bail to another co-accused Mohd. Javed and thereafter, bail is granted consequently by this court on similar grounds to two of the accused persons, as such, the present accused is also granted bail i.e. on his furnishing a **personal bond and surety bond in the sum of Rs. 15,000/-** to the satisfaction of the Court, subject to the following conditions:

- i) The applicant will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;
- ii) The applicant shall keep the Investigating Officer Inspector Arvind, Police Station I.P. Estate (Mob No. 9717288003) informed about his whereabouts every Friday through SMS or telephone.

Learned counsel for the applicant / accused is at liberty to collect the order dastl or through electronic mode. Copy of order be uploaded on the website.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18/05/2020

Two higher Courts have only the
application to the Public
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of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In this case, it is stated that mother of the applicant is old lady and suffering from knee problem and other old aged diseases; that there is no body else except the present accused to look after her; that applicant is the only bread earner of the family. It is further argued that he is in JC for the last more than nine years. That due to present pandemic condition, to look after the family and ailing mother, he be released on regular bail. Co-accused Firoz Alam has been granted regular bail by the Hon'ble High Court on 24/04/2020 and thereafter, co-accused Mohd. Javed and Raju Lal Jaat are also granted regular bail by this court. As such, it is argued that on the ground of parity also, he be granted regular bail. That earlier also he was admitted to interim bail six-

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punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances

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State Vs Mehboob Alam
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State Vs Mehboob Alam
FIR No. 139/2011
PS: I.P. Estate

substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences

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BY ORDER OF THE COURT
Date: 10/10/2011

State Vs Mehboob
FIR No. 139/2011
PS: I.P. Estate

innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a

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State Vs Furqan @ Rehan (Furqan)
FIR No. 34387/2017
PS.: Sarai Rohilla
U/s: 392, 397, 34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Ragib Gayyur, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Heard.

The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State

RAGIB

OR (Adv.)

2012

(1100-1) West (ax)
et, Khuraji, Delhi
-110005

State Vs Yasir Ali
FIR No. 109/2019
PS.: Kamla Market
U/s: 392/411/34/174A IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Pradeep Kumar Anand, learned counsel for the applicant,
in person.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.** The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Irfan Khan
FIR No. 194/2018
PS.: Sarai Rohilla
U/s: 411/379/328/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. M.S.Khan, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020. present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.** The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Mehboob
FIR No. 139/2011
PS: I.P. Estate

innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a

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State Vs Furqan @ Rehan (Furqan)
FIR No. 34387/2017
PS.: Sarai Rohilla
U/s: 392, 397, 34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Ragib Gayyur, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Heard.

The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State

RAGIB

OR (Adv.)

2012

(1100-1) West (ax)
et, Khuraji, Delhi
-110005

State Vs Yasir Ali
FIR No. 109/2019
PS.: Kamla Market
U/s: 392/411/34/174A IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Pradeep Kumar Anand, learned counsel for the applicant,
in person.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.** The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Irfan Khan
FIR No. 194/2018
PS.: Sarai Rohilla
U/s: 411/379/328/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. M.S.Khan, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020. present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.** The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

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State Vs Farhat
FIR No. 140/2019
PS.: Darya Ganj

preferably through Electronic form to the accused side. As such, IO / Nodal Officer of police / Naib Court / coordinator to do needful in this regard by tomorrow.

As such, put up for reply, argument and appropriate proceedings for **20/05/2020**.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Farhal
FIR No. 140/2019
PS.: Darya Ganj
U/s: 302/147/149/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Mohit Bhardwaj, learned counsel for the applicant
through VC.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by the Inspector Raj Kumar dated 18/05/2020. But, it is submitted by the counsel for the accused that there is some typographical mistake in para 5 of the application. As such, he needs sometime to correct the same. It is further stated that there is urgency, therefore, the matter be fixed for 20/05/2020 through V.C. for appropriate proceedings.

It is further pointed out by the counsel for the accused that reply is filed in physical form, therefore, copy of the same be provided

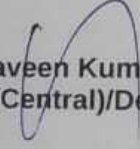
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State Vs Suraj
FIR No. 76/2017
PS.: Gulabi Bagh

granting interim bail (as it is not the case of accused that he himself suffering from any medical condition / illness) and even otherwise on merit also no prima facie record, medical documents relating to ailment of mother is placed on record so as to cross check the same. As such, this court is not inclined to grant interim bail as prayed for. With these observations the present application is disposed off as dismissed. Copy of order be given dasti.


(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Suraj
FIR No. 76/2017
PS.: Gulabi Bagh
U/s: 452/307/506/34 IPC

18/05/2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Ramesh Kumar, learned counsel for applicant / accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors."; Hon'ble Supreme Court of India in *Suo Moto W.P.(C) No. 1/2020* dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time, present application is taken up.

Reply filed

Heard in detail. Further, I have gone through the facts of the present application and the arguments addressed. It is stated in the present application that regular bail application of the co-accused is allowed by the concerned trial court but of the present accused, regular bail application was dismissed. That at present he is praying for interim bail only on the ground that his mother is 64 years old and suffering from the serious illness, swelling of both legs; that elder brother of the accused expired in 2018; that he is in JC for the last three years and as such unable to meet his mother.

Thus, having regard to the nature of offence which is u/s 307 IPC which does not fall within the guidelines issued by the Hon'ble High Court for

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State Vs Vikram Singh @ Vicky
FIR No. 32/2019

of the accused is already a patient of Asthama and Tumor. It is further stated that younger brother of accused namely Sahil is a differently abled person since childhood. As such, it is prayed that he be granted interim bail.

On the other hand, a reply is filed by Inspector Dheeraj Singh as also argued by learned APP, there is a previous involvement of such accused; that offence is serious in nature u/s 302 which is not even covered under relaxed criteria given by Hon'ble High Court for granting interim bail; that he is the main accused and material witnesses are not yet examined. It is further submitted that although, medical documents furnished regarding treatment of father are genuine but such patient / father was not admitted in the hospital and under OPD treatment only as such, it is argued that there is no emergency to look after him. As such, present interim bail is opposed.

Having regard to the nature of offence which is inter-alia u/s 302 IPC which does not fall within the guidelines issued by the Hon'ble High Court for granting interim bail, and even otherwise on merit also this court is not inclined to grant interim bail as father is an OPD patient only and offence is serious in nature and material witnesses are not yet examined. As such, this court is not inclined to grant interim bail as prayed for.

With these observations the present application is disposed off as dismissed. Copy of order be given dasti.

(Nayveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020



State Vs Vikram Singh @ Vicky
FIR No. 32/2019
PS., Prasad Nagar
U/s: 302, 323, 341, 34 IPC & 25, 54, 59 Arms Act

18/05/2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Vineet Jain, learned counsel for applicant / accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v Union of India & Ors.", Hon'ble Supreme Court of India in suo moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time, present application is taken up.

Reply filed

Heard in detail. Further, I have gone through the facts of the present application and the arguments addressed.

It is stated in the present application that he is falsely implicated in the present case, that his father Jitender has a history of Chronic diabetic diseases and on 09/05/2020 he had some pain in his chest and other symptoms and he was taken to RML hospital where he was checked by the doctors. Thereafter, doctors had advised him for some investigation as his x-ray report is not favourable and advised him to undergo for ECG, TMT and other tests for which next date is given as 26/05/2020. There is no other adult male member other than the accused to look after ailing father; that mother

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State Vs Irfan Khan
FIR No. 121/2018
PS.: Sarai Rohilla
U/s: 411/379/328/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. M.S.Khan, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Irfan Khan
FIR No. 121/2018
PS.: Sarai Rohilla
U/s: 411/379/328/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. M.S.Khan, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Heard. The offence in question is punishable upto 10 years. As such, the case falls under relaxed criteria for granting interim bail as directed by the Hon'ble High Court. As such, the applicant is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

FIR No. : 182/17
PS: Kamla Market
State v. Jawed @ Raja
U/S: 395/397/120-B/412/34 IPC & 25/27 Arms Act

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through Video Conferencing on **22.05.2020**.

Further, a copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561.**

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

BAIL APPLICATION

FIR No. : 182/17
PS: Kamla Market
State v. Jawed @ Raja
U/S: 395/397/120-B/412/34 IPC & 25/27 Arms Act

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Ajay Kumar, Ld. counsel for applicant/accused
(through Video Conferencing).

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Report from Jail Superintendent concerned regarding medical status report of applicant is not filed. Same be positively filed by next date of hearing.

Issue notice to Jail Superintendent concerned accordingly.

It is further pointed out by counsel for accused that regular bail is already granted to co-accused in 2017 itself. Same is noted.

Put up for reply from IO, report from Jail Superintendent concerned, arguments and appropriate orders



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State Vs Arshlan Ali & Ors.
FIR No.. 182/2017
PS.: Kamla Market

At this stage, it is stated by the learned counsel for the applicant / accused that earlier interim bail application was moved by the same applicant Juber on the ground of illness of grandmother. The same was already decided on merit and rejected. But such fact is not mentioned in the present bail application. Therefore, they are suppressing the facts regarding previous interim bail application which was rejected during such lockdown period only. Therefore, in such circumstances, the present application is rejected on this ground. Copy of this order be given dasti to the accused side. Further copy of this order be given dasti to the IO concerned for future reference.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Arshlan Ali & Ors.(Juber)
FIR No.. 182/2017
PS.: Kamia Market
U/s: 395, 397, 412, 34 IPC, 25, 27 Arms Act

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Learned counsel for the applicant / accused Juber.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by IO. But the same is regarding the merit of the case and not about medical condition of the father and grandmother, on which ground the present bail application has been moved.

As such, IO to verify the medical condition / record of the father of the accused. Further today certain medical documents regarding grandmother Maqboolan Hussain are also filed. IO to verify / report regarding illness of the grandmother also. IO also to verify whether there are any other person in the family to lookafter father and grandmother of the applicant or not.

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Ph. 011-40455033
Mobile: 7530804475, 9355033033

State Vs Gulzar Etc. (Javed)
FIR No. 29/2019
PS.: Kamla Market
U/s: 307/509/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mohd. Faizan, learned counsel for the applicant.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by the IO.

Having regard to the medical condition of the accused as mentioned in para 10 of the application, let medical status report of the accused be filed by the concerned Jail Superintendent Tihar by the next date of hearing.

It is stated by the learned counsel for applicant that he do not want hearing through V.C. As such, at his request, put up in court on **22/05/2020**. Copy of this order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

FIR No. : 182/17
PS: Kamla Market
State v. Jawed @ Raja
U/S: 395/397/120-B/412/34 IPC & 25/27 Arms Act

:2:

through Video Conferencing on **22.05.2020**.

Further, a copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561.**

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

BAIL APPLICATION

FIR No. : 182/17
PS: Kamla Market
State v. Jawed @ Raja
U/S: 395/397/120-B/412/34 IPC & 25/27 Arms Act

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Ajay Kumar, Ld. counsel for applicant/accused
(through Video Conferencing).

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Report from Jail Superintendent concerned regarding medical status report of applicant is not filed. Same be positively filed by next date of hearing.

Issue notice to Jail Superintendent concerned accordingly.

It is further pointed out by counsel for accused that regular bail is already granted to co-accused in 2017 itself. Same is noted.

Put up for reply from IO, report from Jail Superintendent concerned, arguments and appropriate orders



FIR No. : 182/17
PS: Kamla Market
State v. Govind
U.S. 392/397/34 IPC

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otherwise on merit, this court is not inclined to grant interim bail to such accused. As such, with these observations, the present application is dismissed.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

AS ABOVE

As Enclosure Copy

Central Jail No. 03
Tihar, New Delhi-110064

BAIL APPLICATION

FIR No. : 182/17
PS: Kamla Market
State v. Govind
U/S: 392/397/34 IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. S.B. Shaily, Ld. Counsel for applicant/accused.
IO in person.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

In this interim bail application, it is mentioned that the offence is u/s 392/397 IPC. As such, it is claimed that in para-5 of the application that case of the accused Govind falls under the criteria of relaxed interim bail formed by Hon'ble High Court of Delhi. As such, offence is punishable upto 10 years. But in reply filed by IO, it is mentioned that Section 395 IPC r/w Section 34 IPC apart from Section 412 IPC is also involved in the present case.

As such, it is clear that such case do not fall under the criteria of relaxed interim bail as mentioned above. No other material ground for bail is mentioned in the application and even

Encl: As Above

As Enclosure Copy
of A.W

30/04/2020.

Court No. 03
Tihar, New Delhi-110064

BAIL APPLICATION

FIR No. : 137/17

PS: Timarpur

State v. Happy Kapoor S/o Sh. Sunil Kapoor

U/S: 302/201/34 IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. S.B. Shaily, LAC for applicant/accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

This application is moved through Jail Superintendent concerned through Legal Aid counsel.

Reply filed by IO Insp. Virendra Kumar stating that no document relating to ailment of father is filed. As such, some more time is required and further such information is sought.

As such, put up for filing of such medical document relating to ailment of the father of the accused and further appropriate order for **22.05.2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

smshudda8@8

State Vs Pradeep
FIR No. 31/2019
PS.: Prasad Nagar
U/s: 366/376/376D

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Vinit Jain, learned counsel for the applicant / accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

It is stated that the main matter is pending before the court of Mr. Satish Kumar, learned ASJ FTC who is on duty on 20/05/2020.

As such, issue notice to mother of prosecutorix through IO for the next date of hearing. Mother of prosecutorix is at liberty to participate in the present proceedings through electronic mode / webex or in person as deemed fit by the mother of prosecutorix. IO to provide necessary assistance to mother of prosecutorix in this regard. Copy of this order be sent to IO / SHO for compliance through Nodal Officer Central District Inspector Vijay Vats Mobile No.: 9810127561.

Put up on 20/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

mskudla80

State Vs Karimullah
FIR No. 68/2019
PS.: Kamla Market
U/s: 328/379/411 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. S.B. Shaily, learned standing counsel on behalf of LAC.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in *Suo Motu* W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

As per the sections mentioned in the bail application, the same are punishable upto 10 years as such covered in the directions passed by the Hon'ble High Court. But verification required from the IO / SHO whether sections mentioned in the application are actually sections under which the case is being investigated or chargesheet is filed.

As such, put up for reply including of such aspect by IO through Nodal Office Central District Inspector Vijay Vats Mobile No.: 9810127561 for 23/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

At this stage, reply filed by SI Giriraj. Be taken on record.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

PLACE: DELHI

DATED: 18/05/2020

MOB: 98853448
EMAIL: sishubh80@
gmail.com
CA D/1026/08

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State Vs Raju Lal Jaat
FIR No. 139/2011
PS: I.P. Estate

dated 16/05/2020 which is a matter of record and thereafter such surety bond condition was imposed considering the bail application on merit of the present case. Therefore, this court is not inclined to reduce / modify such bail conditions. Hence, the present application is dismissed accordingly. Copy of this order be sent to accused Raju Lal Jaat through Deputy Superintendent Jail No.4 Tihar, Delhi. Copy of this order be also given dasti to learned standing counsel on behalf of LAC.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

sushuddha8@gmail.com

State Vs Raju Lal Jaat
FIR No. 139/2011
PS: I.P. Estate
U/S: 364A/302/394/201/120B/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. S.B. Shaily, learned standing counsel on behalf of LAC.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

An application filed by accused Raju Lal Jaat which is forwarded through Deputy Superintendent Jail No.4 Tihar Jail. It is mentioned in such application that vide order dated 16/05/2020 this court was pleased to grant regular bail to the accused subject to furnishing personal bond and surety bond in the sum of Rs. 15,000/- to the satisfaction of the court. Now it is prayed that such bail condition be reduced and he be released on furnishing of personal bond only as so ordered also regarding co-accused Mohd. Javed.

But, as all the submissions in bail were already noted in order

Contd...../-



S/S Shukla G.

BAIL APPLICATION

FIR No. : 255/19
PS: Prasad Nagar
State v. 1. Shubham Dubey
2. Amresh Mishra
U/S: 420/406/120B IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
None for applicants/accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

In view of order passed by Hon'ble High Court of Delhi in W.P. (C) 3037/2020 in case titled as Court on its own Motion v. State dated 15.05.2020, interim bail granted to the present applicants/accused earlier is further extended till 15.06.2020.

Further, a copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561.**

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

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State Vs Mahima
FIR No. 157/2019
PS.: Kamla Market

proceedings through electronic mode / webex or in person as deemed fit by the complainant / victim. IO to provide necessary assistance to victim / complainant in this regard. Copy of this order be sent to IO / SHO for compliance through Nodal Office Central District Inspector Vijay Vats Mobile No.: 9810127561.

Put up for 23/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

State Vs Mahima
FIR No. 157/2019
PS.: Kamla Market
U/s: 370/376/109/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Rahul Kumar, proxy on behalf of main counsel Mr.
Devender Hora.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Adjournment is sought in this case. It is already stated by the counsel for the accused on 29/04/2020 that he is not in a position to address arguments through V.C. As such, put up in court for the next date of hearing.

Reply is already filed by the IO. But in this case section 376 IPC is also involved. As such, issue notice to victim / complainant through IO for the next date of hearing.

Victim / complainant is at liberty to participate in the present

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State Vs Hari Ram
FIR No. 213/2018
PS.: Lahori Gate
U/s: 395/412/120B/34 IPC

18.05.2020

Present: Mr. K.D. Pachori, Learned Addl. PP for State.
Mr. Rahul Kumar, proxy on behalf of main counsel Mr.
Devender Hora.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Adjournment is sought in this case. As such, at request, put up for 23/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/18.05.2020

FIR No. : 303/2014
PS: SUBZI MANDI
State v. Karan @ Raj Karan
U/S: 302/307/34/120 B IPC

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his release.

Further, a copy of this order be sent to SHO/IO concerned through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
18.05.2020

BAIL APPLICATION

FIR No. : 303/2014
PS: SUBZI MANDI
State v. Karan @ Raj Karan
U/S: 302/307/34/120 B IPC

18.05.2020.

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. Hemant Gulati, Ld. Counsel for applicant/
accused.

Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Arguments heard.

It is submitted that interim bail for thirty days is also granted to present accused in the present case. But now, he wants modification that thirty days period should start from the date of release.

Heard.

In view of submissions made, reply filed as well as interim bail granted in another FIR relating to same accused bearing no. 491/15 PS Subzi Mandi by Hon'ble High Court of Delhi, the order dated 18.4.2020 is clarified/modified and it is now directed that such applicant/accused Karan @ Raj Karan is granted interim bail for a period of thirty days from the date of