

**Bail Application No.966/2020
FIR No.191/19
PS:Lahori Gate
U/s:498A/406 IPC
State Vs. Shweta Khetrapal**

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI G.N.Tiwari is present.
Complainant with Sh. Vishal Vimal, Advocate.
Sh. Manish Dua, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof supplied to Id. Counsel of applicant electronically.

It is the second anticipatory bail application moved by applicant/ accused and his first anticipatory bail application was dismissed by Sessions Court in December 2019, as per own submission of counsel of applicant.

Id. Addl. PP, duly assisted by counsel of applicant, has raised an objection as to the maintainability of second anticipatory bail application before Sessions Court under the law.

Counsel of applicant/ accused seeks adjournment to advance arguments in the aforesaid issue of maintainability raised on behalf of State.

On request, put up on **14.09.2020** for arguments on the maintainability of the bail application.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application 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

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Shree Narayan is present.
Sh. Vikas Jain, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

At the outset, Id. Addl. PP has pointed out that the offence punishable u/s 307/120B IPC are also invoked against the applicant in this case but the applicant has not sought bail in respect of those offences.

At this stage, counsel of applicant/ accused seeks permission to withdraw the present bail application with liberty to file fresh bail application before in respect of all the appropriate offences under the law.

In view of the facts and circumstances of the case and the submissions made by Id. Counsel of applicant/ accused, the present application is dismissed as withdrawn, with liberty as prayed.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

**Bail Application No.984/2020
FIR No.436/18
PS:Karol Bagh
U/s:395/397/120B/34 IPC
State Vs. Pankesh (Asif Ali)**

10.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Gautam is present.
LAC Ms. Kanchan Dewan, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof supplied to Id. Counsel of applicant electronically.

TCR not received in terms of last order. Same be called for next date of hearing. Robkar be issued today itself.

On request, put up on **15.09.2020** for arguments on the bail application.

IO is bound down for next date of hearing.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application No.1152/2020
FIR No.34/2020
PS:Karol Bagh
U/s:392/394/397/324/34 IPC
State Vs. Ritik

10.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Shri Narayan is present.
Sh. Rajesh Dua, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, Counsel of applicant/ accused has argued that applicant is totally innocent and has been falsely implicated in this case and he is in custody since 29.01.2020. It is further argued that FIR was previously registered for the offence punishable u/s 324 IPC and offences u/s 392/394/397 IPC were added later on during the course of investigation. It is further argued that the applicant/ accused was neither named in the FIR nor he was named in the supplementary statement of the victim. It is further argued that nothing incriminating has been recovered either from the possession of applicant or at his instance. It is further argued that the previous regular bail application of present applicant/ accused was dismissed on 03.06.2020 and considerable period has expired thereafter, which creates fresh ground under the law to the applicant for moving the present bail application. It is further argued that the applicant is neither visible in CCTV footage of the alleged incident, claimed to have been seized by IO during investigation and mere refusal of applicant to participate in judicial TIP, is not conclusive proof of his guilt. It is further argued that the applicant has given very cogent reason for his refusal to participate in judicial TIP and same is otherwise matter of trial and the applicant should not be denied bail on that ground alone.

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It is further argued that the injured was discharged from the hospital on the same day and the applicant, who is aged about 19 years, is not previously convicted in any other criminal case and he is the sole bread earner of his family consisting of his widow mother, who is dependent upon him. It is further argued that the entire investigation has already been completed and there is no likelihood of completion of trial in near future on the account of lock-down situation due to COVID-19 and therefore, no useful purpose shall be served by keeping him behind the Jail . It is therefore, urged that the applicant may be granted regular bail on such terms and conditions as may be imposed upon him by the Court.

On the other hand, bail application is opposed by Id. Addl. PP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is further argued that the applicant is repeated offender and he is also found previously involved in several cases, details of which are mentioned in reply of IO. It is further argued that an application seeking interim bail moved on behalf of applicant/ accused, was dismissed by Sessions Court on 13.08.2020. It is further argued that the present applicant had played an active role in the commission of crime and he had given stab injury with knife to the complainant/ victim while committing robbery against him. It is further argued that charge-sheet has recently been filed in this case and trial is yet to commence and the present applicant may abscond and / or intimidate the victim in the event of release on bail. It is therefore, urged that bail application may be dismissed.

In brief, it is alleged that PCR call was received vide DD No.57A at PS Karol Bagh on 23.01.2020 that injured Mukesh was admitted in Sir Ganga Ram Hospital, Delhi. Accordingly, the MLC of victim was obtained and he was found to have been attacked/ stabbed with knife. FIR was registered on the basis of aforesaid DD entry and the MLC of victim. During the investigation, the statement of victim was recorded after his discharge from the hospital, wherein, he stated that on 23.01.2020 at about 4.00 pm, while he was going to purchase the article/ goods and reached in front of 12A/10, WEA, Karol Bagh, Delhi, he was waylaid by two young boys who took him to the side of some vehicle and robbed cash amount of Rs.2000/- and certain documents lying in front pocket of his shirt. They also tried to rob his mobile phone and purse but victim raised alarm, on which one of the offenders forcibly closed his mouth and other offender gave stab injury with knife to the victim on the posterior side of his back. It is present applicant who had allegedly given stab injury to the victim. Hence, offence u/s 397 IPC is prima facie also attracted against the present applicant/ accused.

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As per reply of IO, the nature of injury was kept under observation and kind of weapon used in the crime, was opined to be sharp by concerned Doctor on MLC of victim. During the course of the arguments, IO also informed the Court that CCTV footage was seized and on its analysis, it was found that robbery was committed against the victim. He has pointed out that offences u/s 392/394/397/34 IPC were added on the basis of statement of victim and on the basis of CCTV footage. The applicant/ accused refused to participate in judicial TIP in the backdrop of the fact that he himself had surrendered before the Court of Id. Magistrate in muffled face. Applicant/ accused is also stated to be found previously involved in case FIR No.CD-KB-000071/2020, u/s 392/34 IPC of PS Karol Bagh, Delhi. It is mentioned in the reply of IO that stabbing of victim was so dangerous that the said knife could not be taken out from the back of victim and it was taken out by the doctor of Sir Ganga Ram Hospital while doing his surgery.

After considering the overall facts and circumstances of this case, the role allegedly played by applicant/ accused, gravity of offences involved in this case and in the light of discussion made herein above, Court is of the view that no case is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application No.1154/2020
FIR No.0199/2020
PS:Kamla Market
U/s:498A/34 IPC
State Vs. Sunil Kumar Sharma

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Ajab Singh is present.
Sh. Ayush Gupta, Advocate of complainant (Memo of appearance filed).
Sh. Margesh Pokhriyal, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

On request, counsel of complainant is allowed to file his vakalatnama on or before next date. Counsel of complainant states at Bar that complainant has not received copy of FIR and he needs time to go through the FIR before making submissions on the present bail application.

Ld. Addl. PP on instructions of IO, has informed that no permission to arrest the applicant/ accused has been applied so far and no even notice has been served upon the applicant for joining the investigation till date.

It is jointly submitted on behalf of complainant and applicant/ accused that they are willing to explore the possibility of settlement, if any, it being a matrimonial dispute.

On joint request of the parties, they are referred to Mediation Centre, THC, Delhi, to explore the possibility of settlement, if any, for 18.09.2020.

Put up on **05.10.2020** for awaiting outcome of the proceedings of Mediation Centre/ settlement, if any or in alternative, for arguments on the bail application. In the meantime, no coercive measures be adopted against the applicant/ accused till next date, subject to the condition that he shall join the investigation as and when so required by the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application No.1155/2020
FIR No.0199/2020
PS:Kamla Market
U/s:498A/34 IPC
State Vs. Seema Sharma

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Ajab Singh is present.
Sh. Ayush Gupta, Advocate of complainant (Memo of appearance filed).
Sh. Margesh Pokhriyal, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

On request, counsel of complainant is allowed to file his vakalatnama on or before next date. Counsel of complainant states at Bar that complainant has not received copy of FIR and he needs time to go through the FIR before making submissions on the present bail application.

Ld. Addl. PP on instructions of IO, has informed that no permission to arrest the applicant/ accused has been applied so far and no even notice has been served upon the applicant for joining the investigation till date.

It is jointly submitted on behalf of complainant and applicant/ accused that they are willing to explore the possibility of settlement, if any, it being a matrimonial dispute.

On joint request of the parties, they are referred to Mediation Centre, THC, Delhi, to explore the possibility of settlement, if any, for 18.09.2020.

Put up on **05.10.2020** for awaiting outcome of the proceedings of Mediation Centre/ settlement, if any or in alternative, for arguments on the bail application. In the meantime, no coercive measures be adopted against the applicant/ accused till next date, subject to the condition that she shall join the investigation as and when so required by the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application No.1156/2020
FIR No.0199/2020
PS:Kamla Market
U/s:498A/34 IPC
State Vs. Ratan Chand Sharma

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Ajab Singh is present.
Sh. Ayush Gupta, Advocate of complainant (Memo of appearance filed).
Sh. Margesh Pokhriyal, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

On request, counsel of complainant is allowed to file his vakalatnama on or before next date. Counsel of complainant states at Bar that complainant has not received copy of FIR and he needs time to go through the FIR before making submissions on the present bail application.

Ld. Addl. PP on instructions of IO, has informed that no permission to arrest the applicant/ accused has been applied so far and no even notice has been served upon the applicant for joining the investigation till date.

It is jointly submitted on behalf of complainant and applicant/ accused that they are willing to explore the possibility of settlement, if any, it being a matrimonial dispute.

On joint request of the parties, they are referred to Mediation Centre, THC, Delhi, to explore the possibility of settlement, if any, for 18.09.2020.

Put up on **05.10.2020** for awaiting outcome of the proceedings of Mediation Centre/ settlement, if any or in alternative, for arguments on the bail application. In the meantime, no coercive measures be adopted against the applicant/ accused till next date, subject to the condition that he shall join the investigation as and when so required by the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

Bail Application No.1153/2020
FIR No.0199/2020
PS:Kamla Market
U/s:498A/34 IPC
State Vs. Sanjeev Kumar Sharma

10.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Ajab Singh is present.
Sh. Ayush Gupta, Advocate of complainant (Memo of appearance filed).
Sh. Margesh Pokhriyal, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

On request, counsel of complainant is allowed to file his vakalatnama on or before next date. Counsel of complainant states at Bar that complainant has not received copy of FIR and he needs time to go through the FIR before making submissions on the present bail application.

Ld. Addl. PP on instructions of IO, has informed that no permission to arrest the applicant/ accused has been applied so far and no even notice has been served upon the applicant for joining the investigation till date.

It is jointly submitted on behalf of complainant and applicant/ accused that they are willing to explore the possibility of settlement, if any, it being a matrimonial dispute.

On joint request of the parties, they are referred to Mediation Centre, THC, Delhi, to explore the possibility of settlement, if any, for 18.09.2020.

Put up on **05.10.2020** for awaiting outcome of the proceedings of Mediation Centre/ settlement, if any or in alternative, for arguments on the bail application. In the meantime, no coercive measures be adopted against the applicant/ accused till next date, subject to the condition that he shall join the investigation as and when so required by the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

**Bail Application No.1157/2020
FIR No.141/2020
PS:Kamla Market
U/s:379/411/34 IPC
State Vs. Tulsi**

10.09.2020

This is an application u/s 439 Cr.PC for extension of interim bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Mahesh Bhargav is present.
Sh. P.K. Garg, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After addressing brief arguments, counsel of applicant/ accused seeks permission to withdraw the present bail application and has assured that the applicant shall surrendered himself before the Jail authority on expiry of period of bail.

In view of the facts and circumstances of the case and the submissions made by Id. Counsel of applicant/ accused, the present application is dismissed as withdrawn,

Copy of this order be given dasti to both the sides electronically, as per rules.

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
10.09.2020

