

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Ajay @ Aju etc.
FIR No. 279/17
PS. : Kirti Nagar
U/s :328/342/365/376D/506 IPC

Hearing took place through CISCO Web Ex.

09.07.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Mr. Satish Chandra, Ld. Counsel for the accused/applicant Pawan Saini.
Ms. Arti Pandey, Ld. Counsel from DCW.

IA no. 17/20

Reply filed on behalf of IO through Whatsapp. Copy of the same sent to
Ld. Counsel for accused through WhatsApp.

Ld. Counsel for accused request for grant of interim bail, however, in the
absence of verification of documents the same cannot be granted.

Ld. Counsel for accused submits that a fresh date would be taken for
surgery and he thus request for a short adjournment, after the fresh date
is taken the same shall be got verified.

Notice to the complainant shall be issued thereafter.

At request, put up on 13.07.2020

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi:09.07.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

SC No. : 104/2016
State Vs. Vineet Kumar
FIR No.69 /16
PS. : Ranhola
U/s : 323/354/365/376D/506/34 IPC

09.07.2020

Present: None

IA No. 4/20

1. By this order I shall dispose of the regular bail application, of the accused vineet.
2. The brief facts of the case are that on the complaint of prosecutrix the FIR was registered in which she alleged, that on 23.01.2016 at around 8 PM she was going to market for purchasing certain articles, while she was returning home, all the accused abducted her and drove in a jungle and was gang raped her.
3. Ld. Counsel for accused has argued that accused is in JC since 02.12.2016 and there are material contradictions in the present case as in the initial complaint, the complainant has never alleged any kind of gang rape. It is submitted that even in the statement made U/s 164 Cr.PC this fact was never disclosed. It is argued that MLC does not corroborate the statement of the prosecutrix. It is submitted that jail conduct report cannot be believed in view of the judgment of Hon'ble High Court in **Behruddin Vs. State BAIL.APPLN 1142/2020 decided on 11.06.2020.**
4. On the other hand, Ld. Addl. PP for State has argued that three bail applications of the accused have been rejected. The last one was rejected on 21.01.2019. The conduct report of the accused does not warrant any leniency and moreover during investigation accused had absconded. It is argued that there is no change in circumstances and the prosecution witnesses have fully supported the case.
5. I have heard Ld. Counsel for accused as well as Ld. Addl. PP for State and perused the record.

6. This is fifth bail application filed on behalf of accused. The first bail application was dismissed as withdrawn on 17.03.07, second was dismissed on 06.06.17, third was dismissed on 22.09.17, the fourth bail application was dismissed on 21.01.2019. the last three bail applications were all dismissed by speaking order. All the submissions which have been made before this court were duly considered by the Ld Predecessor of this court. Nothing new has been argued before this court except the fact that the custody period of accused has increased and the trial is likely to take some in view of the pandemic. While dismissing the last bail application the Ld Predecessor had noted that two public witnesses are yet to be examined. Out of which husband of the prosecutrix has been examined, but the friend of the victim is yet to be completely examined. The prosecutrix has identified the accused as one of the person who had abducted her and gang raped, even the friend of the victim has identified the accused, in the part examination in chief recorded, as one of the perpetrator of the Crime. The entire cross examination conducted on behalf of accused revolves around her relationship with her friend, which in my opinion is neither here nor there and does not lead to any conclusion as to why the complainant would falsely implicate the accused. The co accused who was granted bail was because the prosecutrix had failed to identify him as the accused. Therefore, the question of parity does not arise. The contradictions, if any, cannot be a ground for grant of bail and the same shall be seen at the stage of final arguments. The conduct of the accused in the Jail is not required to be gone into as I am not inclined to grant bail to the accused in view of the above said discussion. The fifth bail application filed by the accused stands dismissed.
7. IA stands disposed off accordingly.
8. Nothing said herein shall tantamount to expression of opinion on the merits of the case and have been made only for the purpose of deciding the present Bail application.
9. Copy of order be sent to all concerned through electronic mode.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 09.07.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Zakir Hussain
FIR No. 47/20
PS. : Paschim Vihar West
U/s : 376/506 IPC

Hearing took place through CISCO Web Ex.

09.07.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Ms. Arti Pandey Ld. Counsel from DCW.
Mohd. Ilyas, Ld. Counsel for complainant along with
Complainant.

IA No. 01/20

Reply was filed on the last date of hearing. Copy of the same
be supplied to Ld. Counsel for accused.

Ld. Counsel for the accused/applicant has not joined despite
waiting for him till 20 minutes.

The Ahlmad of the Court has informed that Ld. Counsel for
accused is unable to join as there are network issues at his
end.

Ahlmad is directed to send the link again for 2:30PM.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi:09.07.2020

09.07.2020 at 2:30 PM

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Mr. Manoj Kumar, Ld. Counsel for the accused/applicant.
Ms. Arti Pandey Ld. Counsel from DCW.
Mohd. Ilyas, Ld. Counsel for complainant along with
Complainant.

Arguments on bail application heard.

Put up for order at 4:00 PM.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi:09.07.2020

09.07.2020 at 4 PM

1. By this order I shall decide bail application filed on behalf of accused.
2. The brief facts of the case are that on the complaint of Ms. 'S' the present FIR was registered. In the complaint she alleged that she and accused became friends while they were working in a factory. One fine day accused took her to Budha Garden where he made her drink water and she lost her conscious. After half an hour when she regained conscious accused showed her nude photographs. When the victim confronted him he deleted those photographs. Thereafter for 2 & a 1/2 months they did not speak to each other. Somewhere in last week of December accused gave a call and apologized for the incident and called the complainant to Surajmal Stadium. They both started talking to each other. However after a while accused started blackmailing her and also came to her house and committed rape. Victim told her husband about the entire incident and also gave a call on no. 100. After completion of investigation charge sheet was filed.



3. Ld. Counsel for accused has argued that there are several contradictions in the statement made by the victim in the complaint on the basis of which FIR was registered and in the statement made U/s 164 Cr.PC. It is argued that the victim has never made any police complaint when she was allegedly raped by the accused. He submits that victim is a matured lady and thus cannot be believed.
4. On the other hand, Ld. Addl. PP for State has argued that twice the bail application of the accused has been dismissed, the FSL report is pending. There are statements of the husband and sister in law of the victim wherein they have categorically stated that accused had sent obscene photographs to them on their mobile phone. It is argued that if accused is enlarged on bail there is every likelihood that he would threaten the victim. Ld. Counsel for complainant has supported the submission made by the Ld. Addl. PP for State.
5. I have heard Ld. Counsel for accused, Ld. Addl. PP for State and Ld. Counsel for complainant and perused the record.
6. In the present case there are specific allegations that accused had sent photographs to the sister in law and husband of the victim. Their mobile phones have been seized and have been sent to FSL for examination. Charge is yet to be framed in the present case. Considering the serious nature of the allegations I do not find it fit to admit the accused on bail. The bail application stands dismissed. Copy of the order be sent to all concerned through email. IA stands disposed off.
7. However, I deem it appropriate that notice should be issued to the IO who shall apprise this Court as to by when the FSL report would be ready which allegedly contains the photographs / videos of the

victim. Ahlmad of this court is directed to issue notice to the IO who shall file a report within 4 weeks.

8. Put up on date fixed.

(Ankur Jain)

Addl. Sessions Judge (SFTC-01) West
Delhi:09.07.2020