

State Vs. Kamini @ Mahi
FIR No. 540/20
Under Section : 328/451/380 IPC
Police Station : Hari Nagar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Parvesh Kumar, Ld. Counsel for the applicant/accused.

This is an application for grant of bail to applicant/accused namely Kamini @ Mahi *inter alia* on the ground that the applicant is eight months pregnant lady and is in judicial custody since 09.09.2020. Further, the applicant has two more small children to be looked after. It is also stated that the prosecution story is false, baseless and concocted. It is stated that the hemoglobin of applicant is very low, which can be dangerous for her during her pregnancy. It is therefore, prayed that accused may be granted bail.

Reply filed.

Ld. Additional Public Prosecutor has opposed the bail application stating that the investigation is at initial stage as other accused persons are yet to be arrested.

There are allegations u/s 328/451/380 IPC and co-accused are not yet arrested. The applicant is reported to be first time offender and as per her medical reports called from Tihar Jail, she has an eight months pregnancy and some other medical complications. She has two small children a girl age 2



years and a boy aged 5 years. Therefore, keeping in view the fact that applicant is first offender and she is eight months pregnant and she has to take care of her two other small children, I deem it fit to grant her bail. Hence, I deem it fit to grant bail to applicant/accused. ***Accordingly, applicant Kamini @ Mahi is admitted to regular bail subject to her furnishing of personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of Duty Magistrate (West).***

Application stands disposed off accordingly.

Copy of this order be sent to the Jail Superintendent concerned.



(SAMAR VISHAL)

Addl. Sessions Judge-08

West District, THC Delhi

24.09.2020

**State Vs. Sonu
FIR No. 0837/2020
Under Section : 376 IPC
Police Station : Ranhola**

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri N.C Gupta, Ld. Counsel for the applicant/accused.

This is a fresh application for grant of bail to accused Sonu.

Since this is a bail application for the offence punishable u/s 376 IPC, it is mandatory to issue notice to the complainant/victim. Accordingly, issue notice to the complainant/victim for the next date.

Bail application be listed on 26.09.2020.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020

**State Vs. Rahul Kumar
FIR No. 600/20
Under Section : 308 IPC
Police Station : Ranhola**

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Shiv Sahay, Ld. Counsel for the applicant/accused.

This is the third application for grant of bail to applicant/accused Rahul Kumar.

Reply filed.

It is submitted by Ld. Counsel for the applicant/accused that he does not want to press the bail application and wishes to withdraw the same.

In view of submission, the bail application of applicant/accused namely Rahul Kumar stands dismissed as withdrawn.

Applicant stands disposed off accordingly.

Copy of order be given Dasti.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020

State Vs. Rahul Chhabra
FIR No. 59/20
Under Section : 304/308/323/506/147/148/149 IPC
Police Station : Kirti Nagar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor
for State through video-conferencing (CISCO Webex).

Ms. Kusum, Ld. Counsel for the applicant/accused.

This is an application for grant of bail to applicant/accused Rahul Chhabra.

Ld. Counsel for the applicant /accused seeks some time for filing earlier bail orders.

Bail application be listed on 29.09.2020.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020

**State Vs. 1. Praveen
2. Om Prakash
FIR No. 883/2020
Under Section : 363/ 365/34 IPC
Police Station : Nihal Vihar**

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Rajesh Kumar, Ld. Counsel for the applicants/accused.

These are two bail applications for grant of bail to applicants Praveen and Om Prakash on the ground that they are innocent and have been falsely implicated in the present case. Further, applicants have never involved in any criminal case. The applicants are not previous convicts and having clean antecedents. It is also stated that the wife of applicant / accused Praveen is pregnant and there is no one to look after her. It is therefore, prayed that applicants/accused persons be granted bail.

Joint reply to both the bail applications filed.

Ld. Additional Public Prosecutor has opposed the bail applications stating that there are allegations of kidnapping a minor girl for ransom against the applicants/ accused persons, which are quite serious.

As per reply of IO, after their arrest accused persons / applicants disclosed that they kidnapped the minor girl of three years for want of Rs. 2 Lakhs from her parents. Further, the scooty used in commission of offence has also been recovered.



The allegations against the applicants/accused are serious in nature. They have kidnapped a child of three years for extorting money from her parents although they were apprehended the next day of the incident.

In the given circumstances, I do not find any justifiable ground to grant bail to applicants/accused. Hence, the bail applications of applicants/accused namely Parveen and Om Prakash stand dismissed.

Both the applications stand disposed off accordingly.

Copy of order be given Dasti.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

24.09.2020

State Vs. Hari Pal
FIR No. 90/20
Under Section : 364A/392/34 IPC
Police Station : Hari Pal

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).
Shri Hardwari Lal, Ld. Counsel for the applicant/accused.

Memo of appearance filed on behalf of accused/applicant.

This is an application for grant of bail to applicant / accused Hari Pal on the ground that he is in judicial custody since 19.02.2020. Further, accused is innocent and has been falsely implicated in the present case. It is stated that applicant is not a previous convict or habitual offender. It is also stated that applicant is a married persons and having three children, who all are school going. It is prayed that, accused may be granted bail.

Reply filed.

Ld. Additional Public prosecutor has vehemently opposed the bail application stating that the allegations against the accused are serious.

As per reply, there are allegations u/s 364A/394/34 IPC against the applicant/accused. Accused alongwith co-accused persons kidnapped victim Aman and demanded ransom. Applicant/ accused is reported to be caught red handed during rescue operation of victim Aman. Co-accused namely Mani and Reddy @ Ajay are still absconding. The mobile phone of victim and cash amount of Rs. 10,000/- are yet to be recovered.



It is also noteworthy that earlier four applications of accused for grant of bail have already been dismissed and since then no new ground has emerged on record.

In the given circumstance, I do not deem it fit to grant bail to accused. Accordingly, the bail application of applicant/accused Hari Pal stands dismissed.

Application stands disposed off accordingly.

Copy of order be given Dasti.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

24.09.2020

State Vs. Sajan Shukla
FIR No. 176/20
Under Section : 392/397/336/34 IPC
& 25/54/59 Arms Act
Police Station : Nihal Vihar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Ravinder Kumar, Ld. Counsel for the applicant/accused.

This is an application for grant of bail to accused/applicant Sajan Shukla on the ground that he is innocent and has been falsely implicated in the present case. Further, the recovery, if any has been falsely planted upon him. It is further stated that co-accused Jitender Sharma @ Sonu has been granted bail by the Hon'ble High Court vide order dated 17.09.2020. Further, accused is of young age and has been carrying the business of mobile accessories. It is prayed that, applicant may be granted regular bail.

Reply filed.

Ld. Additional Public Prosecutor has opposed the bail application stating that the allegations against the applicant/accused are serious.

As per reply, cash amount of Rs. 9000/- out of the robbed amount and the motorcycle used in commission of offence, have already been recovered



from the applicant/accused. Co-accused Sachim @ Titu and Yogender Yadav @ Monuy are yet to be arrested and the remaining robbed amount as well as weapon of offence is to be recovered from them.

Co-accused Jitender Sharma @ Sonu has recently been granted bail from the Hon'ble High Court 17.09.2020. The bail of the present applicant/accused is claimed on parity stating that his role is not greater than the role of accused Jitender Sharma.

Keeping in view the fact that recovery whatsoever has already been effected from the present accused and no previous involvements have been reported against him by the IO and that co-accused Jitender Sharma has been granted bail by the Hon'ble High Court, I deem it fit to grant him bail. **Accordingly, applicant Sajan Shukla is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Ld. Duty Magistrate (West) with the direction that:-**

1.he shall not leave the city;

2.he shall join the investigation as and when required by the Investigating Officer;

3.he shall keep his mobile phone on at all times and shall drop a pin on the Google Map so to ensure that his location is available to the Investigating Officer;

4.he shall make no contact with the complainant or the witnesses of the prosecution and shall make no attempt to influence them and;

5.he shall commit no offence whatsoever and in the event of there being any FIR registered or complaint or DD Entry reg-



istered against him, the prosecution shall bring it to the notice of the Court forthwith.

Application stands disposed off accordingly.

Copy of this order be sent to the Jail Superintendent concerned.



(SAMAR VISHAL)

Addl. Sessions Judge-08

West District, THC Delhi

24.09.2020

State Vs.Ravi
FIR No. 800/20
Under Section : 336 IPC & 25/27/54/59 Arms Act
Police Station : Nihal Vihar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Suraj Prakash Sharma, Ld. Counsel for the applicant/accused.

Reply to the bail application of accused Ravi filed.

Ld. Counsel for applicant/accused seeks some time for arguments.

Accordingly, bail application be listed on 26.09.2020.


(SAMAR VISHAL)

Addl. Sessions Judge-08
West District, THC Delhi

24.09.2020

State Vs.Ravi
FIR No. 800/20
Under Section : 25/27/54/59 Arms Act
Police Station : Nihal Vihar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

None for accused/applicant.

Certificate of conduct of applicant not received from the Jail Superintendent concerned.

Let fresh notice be issued to the jail Superintendent concerned to file the certificate of conduct in respect of accused/applicant Ravi.

Be listed on 26.09.2020.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020

State Vs. Amit @ Meetu
FIR No. 951/20
Under Section : 376D/377/506/34 IPC
Police Station : Nangloi

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Dev Dutt Sharma and Shri R.K Lamba, Ld. Counsels for applicant/accused.

This is an application for grant of bail to applicant/accused Amit @ Meetu stating that applicant / accused is innocent and has been falsely implicated in the present case. Further, the applicant has clean antecedents and is not a previous convict. The FIR is lodged just for the purpose of extortion and the investigation is complete. It is further submitted that two accused namely Satyender @ Sammi and Sunil @ Vicky have already been granted bail in this case.

Reply filed.

Ld. Additional Public Prosecutor has opposed the bail application stating that the co-accused who were granted bail were not the main accused and the bail was granted to them because their names did not emerge in the statement of the victim u/s 164 Cr.P.C. He further stated that the offence in the present case i.e. 376 D IPC is the serious offence punishable with life imprisonment and a minimum imprisonment of 20 years.

In the reply, the IO opposed the bail stating that applicant and his family is residing in the same locality of the victim and there is strong possibility that



he can threaten the victim and her family. Further, there are very serious allegations of sexual assault against the accused. Two more co-accused are yet to be arrested, who are deliberately absconding and they belong to same village i.e. Mundka. It is also mentioned that the scooter used in crime belongs to the applicant / accused who is the first person who take her for false impression of treatment of her wife and raped her against her will as stated by her before the doctor and Ld. MM and while lodging the FIR. Car used in commission of offence is yet to be recovered.

I have gone through the statement of the victim u/s 164 Cr.P.C. The co-accused who have been granted bail are not named by the victim in her statement u/s 164 Cr.P.C and therefore, the role of the present applicant is different from them.

There are clear and categorically allegations against the applicant in the statement of the victim u/s 164 Cr.P.C. The submission of applicant's counsel that victim has given three different versions during investigation is too premature at this stage to be given any finding on it.

Therefore, this case cannot be consider with parity with those accused, who have been granted bail. The allegations are serious in nature and the investigation is at initial stage. Hence, the bail application of applicant/accused Amit @ Meetu stands dismissed.

Application stands disposed off accordingly.

Copy of order be given Dasti.


(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020**

State Vs. Chandra Shekhar Singh
FIR No. 951/20
Under Section : 376D/377/506/34 IPC
Police Station : Nangloi

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Nipun Katyal, Ld. Counsel for applicant/accused.

This is an application for grant of bail to applicant/accused Chandra Shekhar Singh stating that applicant / accused is innocent and has been falsely implicated in the present case. Further, the applicant has clean antecedents and is not a previous convict. The FIR was registered after a delay of two days and she had not made any complaint immediately after the incident. The prosecutrix and other people are running a racket of black mailing the innocent people to extract money from them from their false implication in false cases in a well-planned manner. Further, the applicant/accused has fully cooperated and joined that investigation. It is also stated that the prosecutrix prior to an after filing the FIR has been in touch with the applicant and has been continuously threatening the applicant of initiating false criminal proceedings against him if he does not fulfill the illegal demands of prosecutrix.

It is further submitted by the applicant's counsel that two accused have already been granted bail in this case.



Reply filed.

Ld. Additional Public Prosecutor has opposed the bail application stating that the co-accused who were granted bail were not the main accused and the bail was granted to them because their names did not emerge in the statement of the victim u/s 164 Cr.P.C. He further stated that the offence in the present case i.e. 376 D IPC is the serious offence punishable with life imprisonment and a minimum imprisonment of 20 years.

In the reply, the IO opposed the bail stating that applicant and his family is residing in the same locality of the victim and there is strong possibility that he can threaten the victim and her family. Further, there are very serious allegations of sexual assault against the accused. Two more co-accused are yet to be arrested, who are deliberately absconding and they belong to same village i.e. Mundka. It is also mentioned that the scooter used in crime belongs to the applicant / accused who is the first person who take her for false impression of treatment of her wife and raped her against her will as stated by her before the doctor and Ld. MM and while lodging the FIR. Car used in commission of offence is yet to be recovered.

I have gone through the statement of the victim u/s 164 Cr.P.C.

The applicant is the main accused who called the victim to his house and then committed the offence alleged. He was joined by other co-accused, however, those two who have been granted bail were not named by her in her later statement u/s 164 Cr.P.C. The applicant is the main accused in this case and at his house the offence has taken place. It was he who gave the liquid to her which made her unconscious.

Therefore, this case cannot be consider with parity with those accused, who have been granted bail. The allegations are serious in nature and the in-



investigation is at initial stage. Hence, the bail application of applicant/accused Chandra Shekhar Singh stands dismissed.

Application stands disposed off accordingly.

Copy of order be given Dasti.


(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

24.09.2020

State Vs. Ankush
FIR No. 766/20
Under Section : 326/34 IPC
Police Station : Nihal Vihar

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri V.K Jha, Ld. Counsel for applicant/accused.

This is an application for grant of bail to applicant/accused Ankush on the ground that he is innocent and has been falsely implicated in the present case. Further, the main accused namely Deepanshu is stated to be on bail. It is also stated that the accused / applicant has nothing to do with the commission of offence. The accused is the sole bread earner of his family. It is further stated that investigation is complete and accused / applicant is not required for said purposes.

Reply filed.

Ld. Additional Public Prosecutor has opposed the bail application stating that earlier bail application of accused was dismissed.

During course of arguments, it is submitted by applicant's counsel that co-accused has already been granted bail by the Ld. JJB. He prayed that keeping in view the young age of applicant, he may be granted bail.

As per reply, applicant is the first time offender and no previous involvements have been reported against him.



Keeping in view the fact that applicant/accused is the first time offender, investigation is complete and co-accused has already on bail, I deem is fit to grant bail to applicant/accused. Accordingly, **Accordingly, applicant Ankush is admitted to regular bail subject to his furnishing of personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of Duty Magistrate (West).**

Application stands disposed off accordingly.

Copy of this order be sent to the Jail Superintendent concerned.



(SAMAR VISHAL)

**Addl. Sessions Judge-08
West District, THC Delhi**

24.09.2020

State Vs. Ruderdeep
FIR No. 827/20
**Under Section : 323/341/506/509/
325/354/354A/34 IPC**
Police Station : Ranhola

24.09.2020

The Court of undersigned is having duty today as per Circular / Duty Roster No. 544/13639-13664 dated 29.08.2020.

Present: Sh. Santosh Kumar, learned Additional Public Prosecutor for State through video-conferencing (CISCO Webex).

Shri Mahesh Kumar Patel, Ld. Counsel for the applicant/accused.

Ld. Counsel for the complainant.

This is an application for grant of anticipatory bail to applicant/accused Ruderdeep stating *interalia* that the applicant is innocent and is the only bread earner of his family. Further, the investigation of the present case is complete and custodial interrogation of applicant is not required. It is prayed that since applicant/accused has apprehension of arrest, he may be granted anticipatory bail.

Ld. Additional Public Prosecutor has opposed the bail application stating that the allegations against the applicant are serious as the complainant sustained grievous injuries on her legs. It is further stated that the custodial interrogation of the applicant shall be required to recover the danda which is the weapon of offence.



Ld. Counsel for the complainant has opposed the bail stating that the investigating officer has invoked mild sections whereas from the facts, even the offence u/s 365 IPC is made out.

Without commenting on the merits of the case, it is clear that initially the FIR was registered under the sections of IPC which are bailable. Regarding the injury to the victim, section 325 IPC is invoked which against is a bailable offence. The offence u/s 354/354-A is non-bailable. There is a history of dispute between the parties.

The applicant's counsel has relied upon the judgment of ***Rajesh Dua Vs State 2017 (3) JCC 2011*** submitting that the offences are punishable with sentence upto seven years and therefore, the applicant must be given notice u/s 41 -A Cr.P.C.

IO submits that the applicant is absconding. He further submits that he is not the investigating officer now and the new IO is on medical leave and will join in one or two days.

In view of afore-discussed facts and circumstances, let the applicant first join the investigation on 04.10.2020. Subsequent to his joining the investigation, in case the IO wishes to arrest him, he shall record the reasons which necessitates the arrest of the applicant.

Put up for the consideration of bail application on 09.10.2020.

Till then, applicant shall not be arrested.

Copy of order be given Dasti and be also sent to the Investigating Offi-

cer.


(SAMAR VISHAL)
Addl. Sessions Judge-08
West District, THC Delhi
24.09.2020