

INTERIM BAIL APPLICATION

State Vs. Akash
FIR No.: 106/2012
PS: Kamla Market
U/S: 302,307,186,353,333,109 IPC

03.09.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Ms. Sharda Garg, learned LAC counsel for Accused through VC.

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 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 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Vide this order, interim bail application dated 30.07.2020 moved through counsel by applicant/accused Akash is disposed of.

3. Reply as well as additional reply filed by IO.

4. Arguments heard.

5. It is argued on behalf of the accused that he is in JC since January, 2012. That he was granted interim bail earlier vide order dated 30.04.2020 for thirty days and he did not misuse the liberty and timely surrendered. That his father and sister are in need of proper medical treatment and presence of the present accused is required for the same. That he has roots in society. That he is first time offender.

6. On the other hand, it is argued by the State that offence is serious in nature under section 302 IPC and there are specific allegations against accused who played a vital role in the murder of constable Vijender. That he has already availed interim bail for 30 days. Further, it is stated that his father Omprakash and sister Priya visited Safderjung hospital relating to their respective treatment. As such present interim bail application is opposed.

7. Accused is charged with offence u/s 302 IPC which has a minimum

punishment for life imprisonment. It is matter of record that he was granted interim bail earlier to look after his father and sister vide order dated 30.04.2020. But thereafter, his application for extension was rejected vide order dated 11.06.2020. Even otherwise, the fact remains that such accused was granted interim bail to take care of his father and sister. That offence is very serious in nature and earlier it was stated while granting interim bail dated 30.04.2020 that his mother is confined to the place of employer due to lock-down. Such situation no more prevail at present as there is unlocking process now and movement is allowed. Under these circumstances, this court is not inclined to grant further interim bail to such accused having regard to the nature of offence and nature of allegation against him r/w above facts and circumstances. The present application stands disposed off with such observation

8. Copy of this order be sent to Jail Superintendent concerned through electronic mode. Copy of this order be also provided to counsel for applicant through electronic mode.

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(Naveen Kumar Kashyap)

ASJ-04/Central/THC

03.09.2020

SC: 28612/2016
FIR no.: 199/2009
PS: Kashmere Gate
State v. Gaurav Chauhan

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 23.03.2020,05.05.2020,03.07.2020.

On 03.07.2020, matter was adjourned for 03.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Accused no.2 Sahi Ram @ Harish @ Lambu @ Moni is produced from Rohini Jail through VC.
None for other accused.

In the interest of justice, no adverse order is passed against accused.

Put up for the purpose fixed on 09.11.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

CR: 344/2019
Bipan Kumar v. State

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular dates of hearing were 05.05.2020 and 03.07.2020.

On 03.07.2020, matter was adjourned for 03.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

Present: Sh. Jatin Kumar Sethi (Mobile no. 9891894030), Ld. Counsel for Revisionist Bipan Kumar through VC.

Sh. Pawan Kumar, Ld. Addl. PP for the State/respondent no.1 through VC.

None for Respondent no.2.

It is stated by counsel for revisionist that Respondent no.2 ,Sh.G.S. Saini has already expired.

Put up for purpose fixed/appropriate orders on 07.11.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

CA: 42/2020 and 55/2020
M/s. Sunair Hotels Ltd. v. State

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular dates of hearing were 05.05.2020 and 03.07.2020.

On 03.07.2020, matter was adjourned for 03.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

Present: Sh. Jatin Kumar Sethi (Mobile no. 9891894030), Ld. Counsel for Appellant through VC.

Sh. Pawan Kumar, Ld. Addl. PP for the State/respondent through VC.

At request of counsel for appellant, matter is put up for 07.11.2020 for purpose fixed.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

FIR No.: 230/2016
SC No.: 28706/2016
State v. Bhuvan

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular dates of hearing were 05.05.2020 and 03.07.2020.

On 03.07.2020, matter was adjourned for 03.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.

Sh. Savit Singh, Ld. Counsel for accused Bhuvan alongwith accused through VC.

It is stated by counsel for accused that accused Bhuvan is on bail.

Matter is at the stage of PE, therefore, could not be proceed further.

Put up for purpose fixed/PE on 07.11.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

SC: 84/2020

PS: Karol Bagh

State v. Kishan @ Krishan @ Santosh Bera

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 27.03.2020, 05.05.2020 and 03.07.2020.

On 03.07.2020, matter was adjourned for 03.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
None for accused.

In the interest of justice, no adverse order is passed against accused.

Put up for the purpose fixed on 09.11.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

SC:511/2017
FIR No: 580/2015
PS: Subzi Mandi
State v. Amit @ Billa
U/S: 308,323,34 IPC

03.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also working as First Link of Learned ASJ-03
Mr. Anuj Aggarwal, Central District, Delhi.**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
None for accused.

In the interest of justice, no adverse order is passed against accused.

Put up for the purpose fixed on 09.11.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020

INTERIM BAIL APPLICATION

**State v. Kishan
(INTERIM BAIL OF ARJUN)
FIR No. 205/2018
PS: Lahori Gate
U/S: 307 IPC**

03.09.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. S.N. Shukla, LAC for the applicant / accused through VC.

This is an application for interim bail based on criteria laid down by Hon'ble High Power Committee.

Reply filed. Copy supplied through electronic mode.

Put up for orders/clarifications on 07.09.2020.

In the meanwhile, Ahlmad to report whether any other interim bail application was moved by such applicant earlier particularly during lock-down. Further, IO is directed to file further reply relating to previous involvement in criminal cases of the present accused.

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ASJ-04/Central/03.09.2020

EXTENSION OF BAIL

**State v. Sunil @ Kalu
(Extension of Bail of Ravi Dhika)
FIR No. 303/2014
PS: Subzi Mandi
U/S: 302/307/120B IPC**

03.09.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sanjay Kumar Tiwari, Ld. counsel for the applicant through VC.

At request, put up on 05.09.2020

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**(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020**

EXTENSION OF BAIL

**State v. Sunil @ Kalu
(Extension of Bail of Vikrant Sagar)
FIR No. 303/2014
PS: Subzi Mandi
U/S: 302/307/120B IPC**

03.09.2020

This court is also working as first link of Sh. Anuj Aggarwal, Ld. ASJ-03, Central, THC.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sanjay Kumar Tiwari, Ld. counsel for the applicant through VC.

At request, put up on 05.09.2020

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**(Naveen Kumar Kashyap)
ASJ-04/Central/03.09.2020**

**CA No. 294/2019
Urmila Vs State**

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

But in view of latest directions, matter is taken up today for hearing today through VC.

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: None for appellant Ms. Urmila.
Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sachin Bansal alongwith Ms. Arti Sharma, learned counsel for respondent no.2 / Suresh Kumar Gupta.

In the interest of justice, no adverse order is passed today in the present matter against appellant.

Put up for arguments in terms of previous order for **12/11/2020**.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020**

Application for Interim Bail

**FIR No. 107/2020
PS:Nabi Karim
STATE v Sunil @ Ajay
U/S: 394/397/34 IPC**

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr.P.K. Garg, learned counsel for the applicant / accused through VC.

Reply filed by the IO. Copy of the same already supplied to the counsel for the accused. Today reply also received from Jail Superintendent concerned regarding medical condition of accused. Copy of the same be also supplied to the counsel for the accused through electronic mode during the course of the day.

Put up for arguments and appropriate order for **07/09/2020**.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020**

Anticipatory bail application

**FIR No. 19/2019
PS:Timar Pur
STATE v Mohit
U/S: 323, 341, 308, 34 IPC**

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar,Ld. Addl. PP for the State through VC.
None for applicant.

Put up for appearance of learned counsel for applicant / accused for

05/09/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020

Application for Bail

FIR No. 251/2019
PS: Sarai Rohilla
STATE v Dinesh Dhanna
U/S: 341, 307, 34 IPC & 25, 54, 59 Arms Act

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Asha Ram Sharma, learned counsel for the applicant / accused through VC.

Reply filed today. Copy of the same stands supplied through electronic mode to the learned counsel for the accused.

Put up for arguments and appropriate orders for **07/09/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020

Application for Bail

FIR No. 213/2018
PS:Lahori Gate
STATE vRaju Ram Nahra
U/S: 395, 412, 120B, 34 IPC

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar,Ld. Addl. PP for the State through VC.
Mr.Devender Hora, learned counsel for the applicant / accused through VC.

Today the case was fixed for order / clarification. The case file require for deciding such application.

As such, put up for order / clarification for **09/09/2020** at 2:00 PM with case file.

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(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020

Misc. Application

FIR No. 524/2014

PS:Burari

STATE v Vikas Kaushik @ Sunny

U/S: 364, 302, 201, 120B, 34 IPC & 25, 27, 54, 59 Arms Act

03.09.2020

This court is also working as First Link of Learned ASJ-03 Mr. Anuj Aggarwal, Central District, Delhi.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Mukesh Kumar, learned counsel for the applicant / accused through VC.

File is taken up today. Two surety bonds for accused Vikas Kaushik @ Sunny filed today. IO to verify the addresses of such two sureties as well as security furnished and report for **05/09/2020**.

It is further pointed out by Ahlmad that inadvertently FIR number is wrongly mentioned as 524/2013 instead of correct FIR no. 524/2014. The same is noted and stands corrected today. FIR in order dated 01/09/2020 be read as **FIR No.524/2014**. Remaining order remains the same.

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(Naveen Kumar Kashyap)
ASJ-04/Central/Delhi/03.09.2020

INTERIM BAIL APPLICATION

**FIR No. 339/2016
PS.:Darya Ganj
State v.Noori
U/s: 395, 397, 412, 120B, 34 IPC**

03/09/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through
VC.

Mr. J.S. Mishra, learned LAC for accused through VC.

1. Present application dated 10/08/2020 is filed through legal aid for grant of interim bail for 60 days.
2. Reply dated 19/08/2020 and additional reply dated 31/08/2020 already filed by the IO.
3. It is stated in the application that she is in judicial custody for more than 3 years and 8 months; all the material witnesses are already examined; she is permanent resident of Delhi having two minor children; that her husband is also in JC in another matter; that there is nobody to take care of her minor children during such pandemic period; that one of children is not well and undergoing medical treatment.
4. On the other hand, present bail application is opposed. It is stated that offence is serious in nature; that accused is the main conspirator. Further, her son aged about 15 years was suffering from abdomen pain, vomiting etc. and in that regard he was examined by doctor only on 09/07/2020.
5. Arguments heard from both the sides through VC and record has been perused.
6. On perusal of record, it is revealed that such accused was granted interim bail vide order dated 23/05/2020 by the bail duty Judge and the same was even extended later on. But vide

FIR No. 339/2016
PS.:Darya Ganj
State v.Noori
U/s: 395, 397, 412, 120B, 34 IPC

further order dated 15/07/2020 further extension was rejected, inter-alia, on the ground that her case is not covered in the Hon'ble High Court full bench order dated 15/06/2020, in WP(C) 3027 / 2020. But it is matter of record that Hon'ble High Court in the same writ petition clarified certain aspect vide order dated 13/07/2020 in the meanwhile which was not brought in the knowledge of this court by either side while passing order on 15/07/2020. Now, in view of such clarification dated 13/07/2020 and further order dated 24/08/2020 by the Hon'ble High Court and fact that present accused is a woman having two minor child and that she has not misused the liberty of interim bail granted to her earlier and other attending facts and circumstances, present accused is admitted to interim bail till 31/10/2020 subject to furnishing personal bond in the sum of Rs. 20,000/- to the satisfaction of the Jail Superintendent Concerned.

7. The present application stands allowed accordingly. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jail. Copy of order be uploaded on the website.***

NAVEEN KUMAR KASHYAP
(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/03.09.2020

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BAIL APPLICATION

FIR No. 14/2019
PS.:Subzi Mandi Railway Station
State v. Shankar Kumar Jha @ Moment @ Vikash
U/s: 307, 393, 397, 411, R/w section 34 IPC

03/09/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

Mr. S.N.Shukla, learned LAC for accused through VC.

1. Present application dated 18/08/2020 is filed through legal aid for grant of regular bail or in the alternative for interim bail.
2. Reply dated 01/09/2020 already filed by the IO. Further medical status report of accused dated 24/08/2020 also filed by the Jail Superintendent concerned.
3. It is stated in the application that health of the accused is very serious in jail and infact he was admitted in DDU hospital by the Jail Authority. That he is suffering from T.B. and other ailments. Further due to corona pandemic situation of the accused is more precarious. That he is required proper treatment. That he is in JC for more than one year and five months.
4. On the other hand, present bail application is opposed. It is stated that offence is serious in nature. That accused was arrested at the instance of complainant and robbed documents were also recovered at their instance.
5. Medical status report dated 24/08/2020 filed by Jail Superintendent concerned. It is stated that present accused is a known case of HIV, PHLA, pulmonary TB and is on treatment for the same from jail visiting doctors and specialist from DDU, apart from other medical complaints.
6. Arguments heard from both the sides through VC and

record has been perused.

7. Having regard to the stage of trial, nature of offence and nature of material against the present accused including statement of complainant / public witnesses, **this court is not inclined to grant regular bail to the present accused.**

8. But, having regard to the medical condition of the accused, period of JC and the guidelines passed by the Hon'ble High Court including dated 18/04/2020 and 18/05/2020, and other attending facts and circumstances, present accused is admitted to interim bail subject to furnishing personal bond and surety bond in the sum of Rs. 20,000/- to the satisfaction of the court, till 31/10/2020.

9. 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. 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. Further, 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 .

10. Further problems being faced on account of lock-down due to the same is 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 station or no attendance at all. Thus as a viable alternative to such condition to physical attendance need to be ordered. Further, when the

accused need to surrender back to jail, it will assist in screening against corona infection.

11. It may further be noted that consent of the accused is taken through his learned counsel. It is stated that accused is ready to abide by any condition put by the court .

12. In this background, to get sufficient information, in order 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 during present pandemic period, accused is admitted to interim bail subject to following conditions:

- (a)** After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly;
- (b)** Applicant shall not flee from the justice;
- (c)** Applicant shall not tamper with the evidence;
- (d)** Applicant shall not threaten or contact in any manner to the prosecution witnesses;
- (e)** Applicant shall not leave country without permission of the court;
- (f)** Applicant shall convey any change of address immediately to the IO and the court;
- (g)** Applicant shall also provide her mobile number to the IO;
- (h)** 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;

(i) 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.

(j) Applicant shall keep his such mobile number 'Switched On' at all the time and particularly between 8 am to 8 pm everyday.

(k) Applicant shall install '**Aarogya Setu**' App on his mobile phone and will keep GPS as well as Bluetooth ON all the time during the period of such interim bail.

13. In view of this, the present application stands disposed off accordingly. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jail. Copy of order be uploaded on the website.***

NAVEEN KUMAR
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Date: 2020.09.03 15:05:00 +05'30'

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/03.09.2020