

**CA. No. 148/2020**

**Sagar Kotnala @ Sagar v. State**

**25.09.2020**

Present: Sh. Sagar Hajley, Counsel for appellant through videoconferencing.

Heard.

Fresh appeal received by assignment. It be checked and registered.

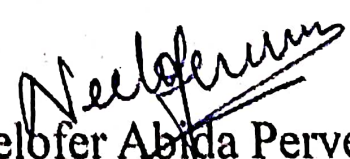
Issue notice of appeal to respondent upon filing of PF, RC and AD for **10.11.2020**

Alongwith the appeal, an application has been filed seeking suspension of sentence during the pendency of appeal.

Taking into consideration the nature of offence and the sentence awarded, sentence is ordered to be suspended during pendency of appeal upon furnishing personal bond and one surety bond in the sum of **Rs. 20,000/- each** to the satisfaction of the learned Trial Court.

For arguments, put up on **10.11.2020..**

Copy of the order be sent to Trial Court.

  
(Neelofar Abida Perveen)  
ASJ (Central) THC/Delhi  
**25.09.2020**

**FIR No. 310/2016**  
**PS: Sarai Rohilla**  
**State Vs. Asif**  
**U/s 394/397/34 IPC**

30.09.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Piyush Pahuja, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for modification of order dated 02.07.2020 and 23.07.2020 on behalf of accused Asif in case FIR No. 310/2016.


Ld. Counsel for the accused-applicant submits that accused-applicant was granted regular bail in the present case vide order dated 02.07.2020 subject to furnishing personal bond in the sum of Rs.50,000/- with two sureties in like amount and as accused-applicant was unable to furnish that amount of sureties, an application was moved for reduction of sureties, which was allowed vide order dated 28.07.2020 while reducing the bail amount though number of sureties was maintained at two. That despite his best efforts accused-applicant has not been able to arrange sureties and due to the same he is in languishing in custody despite having been granted regular bail. Ld. counsel for the accused-applicant submits that the number of sureties may be reduced even if the bail amount is

*Naraj Kumar*

increased to Rs.50,000/- as was originally directed under order dated 02.07.2020.

In such facts and circumstances, as the accused-applicant who was granted regular bail on 02.07.2020 has not been able to arrange two sureties and is languishing in jail for almost two months despite being granted regular bail, orders dated 02.07.2020 and 28.07.2020 are modified to the extent that, **accused-applicant Asif is admitted to bail upon furnishing personal bond in the sum of Rs.50,000/- with one local surety in the like amount in case FIR No. 310/2016** and subject to the condition mentioned in order dated 02.07.2020 and with further condition that on every 1<sup>st</sup> and 15<sup>th</sup> day of each calender month, accused-applicant shall mark his presence before the SHO, PS Sarai Rohilla.

Application stands disposed of.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020

**B. A. No.957**  
**FIR No. 42/2020**  
**PS: Prasad Nagar**  
**State Vs. Hariya @ Hari Chand**  
**U/s 394/34 IPC**

**30.09.2020**


**Present:** Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Gajendera Chauhan, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused Hariya @ Hari Chand in case FIR No. 42/2020.

Report has been received from Jail Superintendent concerned. Same is also forwarded to Ld. counsel for accused-applicant. Ld. counsel seeks time to go through the report.

For consideration, put up on **08.10.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
**30.09.2020**



**B. A. No. 1343/2020**

**FIR No. 28/2020**

**PS: Sarai Rohilla**

**State Vs. Gurpreet Singh**

**U/s 354/354A IPC and 10/21 POCSO Act**

**30.09.2020**


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Dhananjay Singh Sehrawat, Counsel for accused-applicant  
(through video conferencing)  
Ms. Rekha Aggarwal, counsel for prosecutrix (through video  
conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Gurpreet Singh in case FIR No. 28/2020.

Ld. counsel for the accused-applicant submits that matter may taken up on the date fixed for physical hearing of the Court. However, Ld. counsel for the prosecutrix submits that she can argue the matter through video conferencing.

In view thereof, for arguments, put up on **01.10.2020**, date fixed for physical hearing of the Court. Ld. counsel for the complainant is at liberty to join the hearing through video conferencing. In terms of directions passed vide the previous orders IO be summoned for tomorrow to be present with record.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
30.09.2020

**B. A. No. 2183/2020**  
**FIR No. 191/2019**  
**PS: Lahori Gate**  
**State Vs. Manoj Kumar Sharma**  
**U/s 468A/406 IPC**

30.09.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. A. K. Pandey, Counsel for accused-applicant (through video conferencing)  
Sh. Sachin Kumar, counsel for complainant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Manoj Kumar Sharma in case FIR No. 191/2019.

In the course of the arguments, it has come to light that this is second application for grant of anticipatory bail and the first application for grant of anticipatory bail was dismissed on 19.12.2019.

Ld. counsel for accused-applicant submits that the husband of the complainant was arrested on 19.08.2020 and was subsequently granted regular bail on 24.08.2020. That the applicant-accused is the brother in law (Nandoi) of the complainant. That the husband of the complainant was arrested without serving any notice in accordance with law and subsequently granted regular bail on 24.08.2020, however, that this is not the first application for grant of anticipatory bail on behalf of the accused-applicant came to his knowledge on the last date of hearing in the course of arguments and that there has been a change in circumstance as the husband of the complainant has since been



arrested without notice and consequently granted regular bail.

IO has filed reply seeking custodial interrogation in order to recovery istridhan articles.

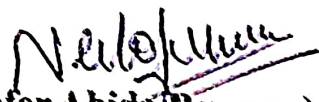
Ld. counsel for complainant submits that application in itself is not maintainable as this is the second application for grant of anticipatory bail and the first application was dismissed.

Ld. counsel for applicant submits that when he filed the present application for anticipatory bail, he was not aware that the first application for anticipatory bail was dismissed and it has now come to his knowledge that first application for anticipatory bail was dismissed vide order dated 19.12.2019 and that this fact has already been considered in order dated 26.08.2020.

Let order dated 19.08.2020 vide which first application for anticipatory bail of the accused-applicant came to be dismissed be placed on record within one week.

For consideration, put up on 14.10.2020.

Interim protection to continue till the next date of hearing, however, accused-applicant shall continue to join investigation as and when called upon to do so by the IO.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
30.09.2020

**B. A. No. 1360/2020**

**FIR No. 210/2020**

**PS: Sarai Rohilla**

**State Vs. Mohd. Umar**

**U/s 186/353/307/147/148/149/379/34 IPC and 25 Arms Act**

30.09.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Junaid Alam, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Mohd. Umar in case FIR No. 210/2020.

Ld. counsel for the accused-applicant submits that this is second application for grant of anticipatory bail, which is now being filed after the presentation of the chargesheet and there is no material against the accused-applicant and despite the absence of creditable material against the accused-applicant, the sole purpose of the police is to arrest him once in order to spoil his carrier, life and reputation.

Ld. Addl. PP submits that this case pertains to mob attack on Sarai Rohilla Police Post and accused-applicant as per chargehseet was part of the mob, however, his name does not appear either in the FIR or in supplementary statement of the complainant and he could not also be identified conclusively from the CCTV footage of the incident and that the chargesheet is presented against him as proclaimed offender, as he failed to join the investigation at any stage, and that the second application for anticipatory bail is not maintainable after filing of chargesheet, and moreover despite the rejection of the anticipatory

*Neelofar*

bail application he did not join the investigation at any stage.

Ld. counsel for accused-applicant to file previous order declining anticipatory bail and judicial pronouncements that he seeks to rely upon.

For arguments, put up on **06.10.2020** as requested.



(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020



**B. A. No. 1231**  
**FIR No. 300/2020**  
**PS: Sarai Rohilla**  
**State Vs. Pooja**  
**U/s 394/397/452/34 IPC**

**30.09.2020**

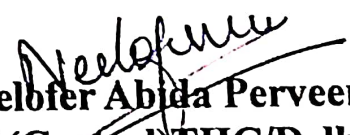
**Present:** Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. S. N. Shukla, LAC for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Pooja in case FIR No. 300/2020.

Arguments heard in part.

For further arguments, put up on **08.10.2020**, when regular bail application of co-accused is listed. In the meanwhile, in view of the contention of Ld. counsel for accused-applicant that the accused-applicant is one month's pregnant, let report be called from Jail Superintendent concerned after medical examination of accused-applicant in this regard.

  
(Neelofar Abida Perveen)  
ASJ (Central) THC/Delhi  
**30.09.2020**

**B. A. No. 1359/2020**  
**FIR No. 139/2014**  
**PS: Hauz Qazi**  
**State Vs. Bharat @ Mirchi**  
**U/s 392/174A/34 IPC**

30.09.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Lokesh Garg, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Bharat @ Mirchi in case FIR No. 139/2014.

Ld. Counsel for applicant-accused submits that the complainant in the course of his examination in the court has failed to identify the accused-applicant and during the course of investigation, application for TIP was dismissed by Ld. MM as the accused-applicant was not produced in court in muffled face for the purposes of TIP proceedings.

Ld. Addl. PP for State on the other hand submits that the FIR is registered in the year 2014 and the trial is lingering on as it is being delayed at the hands of accused-applicant, he was declared Proclaimed Offender twice in this case, first at the course of investigation and then at the stage evidence when the evidence was being recorded.

Ld. Counsel for accused-applicant has raised the contention that the complainant has failed to identify the accused-applicant however the statement of the complainant is not readily available during the


*Neelofur*

prevailing situation arising out of Covid-19 pandemic.

In view thereof, TCR be requisitioned for the purposes of disposal of this application for next date of hearing.

It has also been brought to the notice of the court by Ld. Addl.PP that regular bail application of the accused-applicant is dismissed on 11.09.2020 which order has not been filed by the Ld. Counsel for accused-applicant and Ld. Counsel for accused-applicant submits that he shall file the same before the next date of hearing.

Put up on **16.10.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020

**B. A. No. 1371**  
**E-FIR No. 017036/2020**  
**PS: Hazarat Nizamuddin Railway Station**  
**State Vs. Bilal Ahmed**  
**U/s 379/411 IPC**

30.09.2020

**Present:** Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Brijpal Singh, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Bilal Ahmed in case E-FIR No. 017036/2020.

Ld. counsel for accused-applicant submits that accused-applicant is sought to be falsely implicated in the present case on the basis of disclosure statement recorded of co-accused and purportedly recovery of stolen vehicle has also been alleged against the said accused. Ld. counsel for accused-applicant has also read over the contents of the FIR.

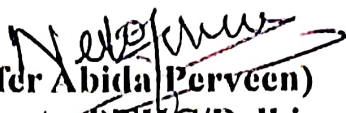
It emerges that FIR is registered in respect of theft of a motorcycle against unknown persons.

Ld. Addl. PP submits that reply is not received from the IO. Naib Court informs that he has received information from the PS concerned that IO in the present case is tested positive for covid-19 and the matter has now been transferred to PS Hazarat Nizamuddin for the purpose of investigation.

As prosecution has sought further time for reply in this case, put up the matter on **17.10.2020**, for arguments. Reply be filed on or before the next date of hearing with copy in advance served upon the ld. counsel for accused-



applicant. In view of the apprehension raised by Ld. counsel for accused-applicant that the accused-applicant is named in the disclosure statement recorded of co-accused in the present case and as reply has not been filed by the IO, interim protection is granted to the accused-applicant till the next date of hearing. No coercive measures be taken against the accused-applicant in connection with the present case FIR till the next date of hearing.

  
(Neelofar Abida Perveen)  
ASJ (Central)TTC/Delhi  
30.09.2020



FIR No. 91/2018  
PS Civil Lines  
State v. Bunty @ Minku Yadav  
U/s 302/201/34 IPC

30.09.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Anand Verdhan Maitreya, Counsel for accused-applicant (through video conferencing)

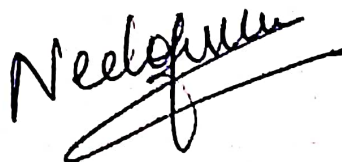
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Bunty @ Minku Yadav in case FIR No. 91/2018.

Ld. counsel for accused-applicant submits that accused-applicant fulfills all the criteria laid down under the guidelines issued by High Powered Committee of Hon'ble High Court for release of the UTPs on interim bail in order to decongest the prison due to outbreak of covid-19 pandemic.


It emerges that the accused-applicant is facing trial for offence under Section 302 IPC and as per record from the date of his arrest, he has undergone over two years in custody.

Ld. Addl. PP submits that as per report of the IO, no previous involvement is alleged against the accused-applicant.



In view thereof, let custody certificate alongwith conduct report in respect of accused-applicant be called from Superintendent Jail for the next date of hearing.

For report and consideration, put up on **05.10.2020**.

  
(Neelofer Abida Parveen)  
ASJ (Central)THC/Delhi  
30.09.2020

**FIR No. 47/2019**  
**PS: Crime Branch**  
**State Vs. Munish Gautam**  
**U/s 20/25 NDPS**  
**30.09.2020**

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

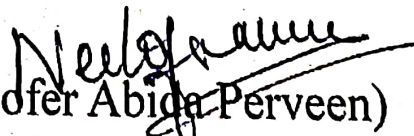
Sh. Ravinder Bhati, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused-applicant Munish Gautam in case FIR No. 47/2019.

Ld. counsel for the accused-applicant submits that he has inquired regarding withdrawal of amount of LIC policy and as per his information presence of accused-applicant is required for the same.

Let the LIC Policy be verified. The procedure for withdrawl is directed to be certified by a responsible officer of the branch where the policy exists, in case the verification report is in favour of the aapplicant. It be specifically certified if the procedure can be initited and completed online or on authorisatio/ POA basis or the personal presence of the policy holder is absolutely required for the purpose of withdrawal of amount LIC policy. For report and consideration, put up on **15.10.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
**30.09.2020**

**FIR No. 149/2018**  
**PS Crime Branch**  
**State v. Asif Khan @ Kallu Khan**  
**U/s 21/25/29 NDPS**

30.09.2020

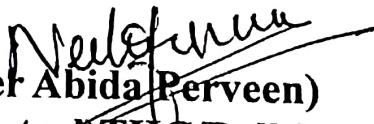
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Daya Nand Sharma, Counsel for accused-applicant (through  
video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim  
bail moved on behalf of accused Asif Khan in case FIR No. 149/2018.

Ld. Addl. PP submits that the IO has sought time to verify the  
medical documents annexed with the application as the bail application is  
received by him today itself.

For report and consideration, put up on 06.10.2020.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020

**FIR No. 200/2012**  
**PS: Crime Branch**  
**State Vs. Riazuddin @ Pintu**  
**U/s 21 NDPS Act**

**30.09.2020**

**Present:** Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. C. D. Rai, Counsel for applicant Sabana Khatun (through video conferencing)


Hearing conducted through Video Conferencing.

This is an application for release of FDR of the surety after cancellation of endorsement, if any.

Ld. counsel for the applicant submits that accused had surrender on 12.2.2020 after the interim bail period was over in terms of the order extending the interim bail and subsequently has been granted regular bail and the applicant, who is wife of the accused, stood surety for accused-applicant during the interim bail period.

In view thereof, application is allowed and it is ordered that the endorsement on the FDR of the applicant be cancelled as per law

Application stands disposed of.

  
(Neelofar Abida Perveen)  
ASJ (Central) THC/Delhi  
**30.09.2020**



**B. A. No. 1323/2020**  
**FIR No. 394/2020**  
**PS: Karol Bagh**  
**State Vs. Nitin Aggarwal**  
**U/s 420/406/509 IPC**

30.09.2020

**ORDER**

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Nitin Aggarwal in case FIR No. 394/2020.

Ld. counsel for the accused-applicant has contended that the applicant-accused has been falsely implicated in the present case at the behest of certain private persons by misusing the police machinery. That the FIR lodged on 03.09.2020 against the applicant-accused is false and mischievous. That the Applicant has been arrested by the IO in the present case on 19.09.2020 and is currently in custody. That a bare perusal of contents of FIR/complaint at best reveals a civil dispute though Complainant is completely unknown to Applicant/Accused and had no transaction with him at any point of time. That documents have been manipulated in order to concoct a criminal case against the Applicant and to settle score with Applicant to satisfy their personal vendetta. That the complaint is completely silent as to how the alleged payment of Rs. 40 lacs has been paid by Complainant to Applicant/Accused and that no payment through cheque/bank draft/RTGS/NEFT or by any other recorded method of payment is stated to be used by Complainant which is highly suspicious

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and false on the face of it. That transaction of purchase of immovable property just cannot be done in a slipshod fashion without making requisite and beforehand enquiries by visiting the premises and inspection of all relevant documents. That in the present case no due diligence or enquiry/visit to the premises has been made by Complainant. That complaint is alleged to have been made by Devender Kumar Ray partner of M/s Radha Jewelry House along with Sandeep and Dhanpat. That the FIR has arisen out of the alleged agreement to sell dated 24.01.2020 in respect of first floor of property no. A-104, Ashok Vihar Phase I, Delhi-110052 built on land measuring 200 sq. yards. That the alleged agreement to sell is ex-facie false and fabricated as the said property was sold out in June 2019 to liquidate various outstandings related to business by the applicant-accused and that prior to the said sale, applicant-accused was trying to sell the said property and had met various proposed buyers in that process but never met the Complainant even prior to June 2019 or agreed to sell the suit property to Complainant. That Complainant got hold of photocopies of the said property through some property dealer prior to sale and misused them later on by fabricating the said alleged agreement to sell and eventually filed the present complaint on such basis. That the applicant has not received any payment in cash or through other recorded method from Complainant at any point of time. That there was a dispute between Applicant and Sandeep relating to certain business transaction which was duly settled in December 2019, however on account of certain ill will and bad taste, Sandeep who is stated to be co complainant illegally confined

*Neelofar*

the applicant-accused in wrongful custody and had beaten up the accused-applicant badly alongwith other *goonda* elements sometime in first week of January 2020 under threat of injury and/or life and applicant was made to sign several papers completely unknown to him nor the Applicant was allowed to read those documents and further Applicant was compelled to handover two signed cheques so as to extort money from Applicant/Accused at later point of time. That applicant was in bad shape, financially and business wise broken and to survive in the business, the Applicant had no option but to do things as per the dictate of Sandeep and other associates. That applicant-accused could not generate courage to report the matter to police nor could take any steps in this regard out of fear. That the only transaction between Applicant and Sandeep was taking of two diamond bangles on approval basis sometime in December 2019 and Applicant could not find the buyer of said bangles and which were returned to Sandeep as such the transaction stood settled without any liability upon Applicant/Accused. That said Mr. Sandeep made hue and cry for return of said bangles and harassed the Applicant to pay extra amount in return of bangles. The transaction was done in good faith as far as Applicant/Accused is concerned, however the greed in mind of Sandeep continued to subsist resulting in calling Applicant to his place in karol bagh and beating up Applicant and getting blank documents signed from him under fear, coercion. That the present complaint is an outcome of conspiracy hatched between Complainant and Sandeep with dishonest intention to extort money from the Applicant, illegally and dishonestly

*Neele Kumar*



contrary to law without there being any liability of Applicant/Accused. That the said agreement to sell is untrustworthy being manipulated, fabricated, forged and outcome of criminal conspiracy to put Applicant under threat interalia on grounds that Agreement to Sell pertains to property already sold on 08.06.2019, and that no prudent buyer would give about 50% of sale consideration in this manner at stage of agreement to sell, that no prudent buyer will pay such a huge amount in cash, that the document is unregistered, that the possession is not delivered, that 50% of sale consideration cannot be earnest money, that no enquiry is made from neighborhood otherwise Complainant would have come to know that property is already is sold as far before as June 2019, that no due diligence has been shown to be exercised particularly when 50% of sale consideration is paid at stage of agreement to sell, that no statutory TDS is part of transaction, that agreement is in violation of income tax laws and is void, that hard earned money cannot be paid in this loose and cavalier fashion and that the alleged payment of Rs. 40 lacs by no stretch of imagination could be treated as payment made in good trust and faith. Infact no such payment was ever made, that no legal steps have been taken to enforce said agreement to sell either by issuing legal notice or filing suit for specific performance. That the Applicant/Accused had no knowledge about any such complaint and the present FIR and later on came to know that a notice u/s 41A of CrPC is attempted to be served on him. That on account of business compulsion and due to restricted movement due to covid 19 pandemic, the Applicant-Accused was out of Delhi and could not

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appear before IO on 11.09.2020 as per the said notice. However, wife of Applicant-accused attended the police station on 11.09.2020 and sought short time to enable Applicant to appear before IO for investigation purposes. That a detailed reply was filed with the IO to bring all relevant facts in knowledge of IO, however the IO did not accept the said reply and granted one day's time for Applicant-accused to appear before him in police station. That the IO is acting at the behest of the complainant as a recovery agent. That as his business was not doing well, he was going from one city to another to get the business back on track and to procure orders for customers. That the applicant-accused is homeless after sale of their residence and is unable to make both ends meet. That the Applicant-accused undertakes to join investigation as and when called for so that truth comes out and fraud committed by Complainant is unearthed. That the antecedents of applicant are clear and he has not been convicted in any matter and no FIR is pending against him. That anticipatory bail application filed on behalf of accused-applicant by his wife was dismissed vide order dated 17.09.2020 as being not maintainable. That custodial interrogation of the accused-applicant is stated to be necessary in the reply filed by the IO and the mala fides on the part of the investigating agency is clear as in the said reply whereas at one place it is mentioned that custody is required to recover sale consideration, at another place it is stated to be gold bars and at still another place it is referred to as jewellery, which itself goes to show that the entire proceedings are motivated.

Ld. Addl. PP, on the other hand, submitted that the applicant/

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accused has evaded the process and not cooperated in the investigation of this case earlier, that now the investigation is at a crucial stage and that the custodial interrogation of applicant/ accused is required to effect the recovery of cheated amount, to recover the Gold Bars received towards sale consideration, and also to obtain the specimen signatures and handwriting. That the accused-applicant had executed a receipt which is part of the agreement to sell and it is mentioned in the agreement to sell itself that the value of the Gold Bars is 40 lacs ie paid towards sale consideration and the investigation is in progress to trace the said gold bars and that the accused-applicant was misleading the investigating agency about the destinations of the Gold Bars but now the investigation is at the verge of a major breakthrough. That the applicant-accused is also involved in similar other matters as he has also committed cheating amounting to Rs. 39.10 Lacs. On instructions from the IO, Ld. APP submitted that it is with great difficulty and by laying a trap that the accused-applicant after evading the process is apprehended from Jaipur where he was found hiding inside the neighbor's water tank. That accused-applicant has no permanent address in Delhi and when the notice was sought to be served for joining him in investigation his wife had stated that she is not aware of the whereabouts of her husband as their relations are strained and she has nothing to do with him. That even the role of the wife of the accused-applicant is under the scanner and it is highly likely that she also might be complicit. That investigation is going on and if the accused-applicant is released on bail he is likely to interfere with and impede the investigation.

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Ld. Counsel for the Complainant submitted that the applicant-accused has not come with clean hands as on the one hand it is contended in the application itself that the complainant is not known to him whereas in the same breath one story is concocted that he was wrongfully restrained and tortured and forced to sign on some papers contents of which were not shown to him and are not known to him and execute instruments thereby tacitly admitting to have signed the agreement to sell in respect of the property which was already sold by him. That the anticipatory bail application was filed through the wife but when the police officials sought to effect service of notice for joining investigation she stated that they are not living together whereas the same address is mentioned in the present application only with the intention to abscond once released on bail as the accused himself states in the application that he is a homeless person. That besides the present case arising out of an agreement to sell the accused-applicant is also involved in another criminal case of similar nature and in one complaint under section 138NI Act in which also he had absconded.

Heard.

The present criminal proceedings arise out of an agreement to sell purportedly entered into between the complainant and the accused in respect of property described as Entire First floor along with Mezzanine Floor without roof rights of Built up property bearing no.104, built on land area measuring 200 sq. yard, in Block-A, situated in the layout plan of Wazir Pur Residential Scheme, known as Ashok Vihar, Phase-I, Delhi on

A handwritten signature in black ink, appearing to read 'N. K. Jaiswal', with a long horizontal stroke underneath.


24.1.2020. The subject matter of the agreement to sell, the immovable property is admitted by the accused-applicant to have been his ownership. It is also undisputed that much prior to the date of the agreement to sell the same property had been disposed off by the accused-applicant, on 8.6.2019 itself. Ld. Counsel for the accused-applicant has drawn attention of the Court to the several imponderables perforating the alleged agreement to sell foremost being the quid pro quo, and the manner in which the part payment is purported to have been made as Rs. 40 lacs are recorded to have been paid and received however it is not documented that in what manner by cash or by cheque, draft, bank transfer and no particulars of any such instrument or transaction are incorporated and that it is ludicrous that gold bars would be accepted towards part consideration for sale purchase of immovable property. The accused applicant obliquely insinuated at the possibility that the signatures appearing on the agreement to sell belong to him. The accused applicant claims to have signed several documents under duress though candidly admitting that in respect thereof he did not initiate any criminal proceedings or civil action. Ld. APP has read over the contents of the receipt and the agreement to sell which refers to payment having been made in the shape of Gold Bars valued at Rs. 40 lacs. Tracing the Gold Bars therefore is a necessary step in the investigation to connect the accused to the offence.

The conduct of the accused following the registration of the FIR also does not inspire much confidence, the dramatic manner in which the accused-applicant came to be apprehended in this case from Jaipur

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does not paint the accused in a credible light that if released on bail he will not misuse the concession and interfere with the proceedings. Investigation is still in its nascent stages and the investigative agency is stated to have made significant discoveries in respect of the gold bars leading possibly to a major breakthrough. The investigative agency requires custodial interrogation to locate the destination of the Gold Bars, the specimen handwriting is also to be obtained for comparison and expert opinion. In such facts and circumstances as the investigation is underway and the accused-applicant had attempted to hide himself from the process of law and for the reasons aforesaid, at this stage it is not a fit case for grant of bail to accused Nitin Aggarwal in case FRI no.394/2020. The application for grant of regular bail on behalf of accused Nitin Aggarwal in case FIR no. 394/2020 is accordingly dismissed.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020


**FIR No. 123/2020**  
**B. A. No. 700**  
**State Vs. Vijeta Saraswat**  
**B. A. No. 703**  
**State Vs. Shakti Sharma**  
**B. A. No. 704**  
**State Vs. Sunil Saraswat**  
**B. A. No. 705**  
**State Vs. Suryakant Sharma**  
**PS: Hauz Qazi**  
**U/s 498A/406/34 IPC**

30.09.2020

**Present:** Sh. K.P.Singh, Addl. PP for State (through video conferencing)  
Sh. Ankur Gupta, Counsel for accused-applicants (through video conferencing)  
Sh. Manoj Sharma, counsel for complainant with complainant Jyoti Saraswat (through vide conferencing)  
Hearing conducted through Video Conferencing.

These are the four applications under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Vijeta Saraswat, Shakti Sharma, Suryakant Sharma and Sunil Saraswat in case FIR No.123/2020.

Arguments heard. For orders, put up at 4 pm.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
30.09.2020

**At 4 pm**  
**ORDER**

This common order shall dispose of four applications under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Vijeta Saraswat, Shakti Sharma, Suryakant Sharma and Sunil Saraswat in case FIR No.123/2020.

Ld. counsel for accused-applicants has contended that the applicants are the sisters-in-law and brothers-in-law of the complainant. That the marriage of Sh. Govind Sharma was solemnized with the complainant on 06.07.2014 in Jaipur





however, the said marriage was solemnized in a very simple manner and the applicants never demanded dowry in any manner at any point of time. That the applicants have been arrayed as accused in the FIR being the relatives/sisters-in-law and brother-in-law of the complainant otherwise they have no concern with any offence. That the applicants never visited the Pune house of the complainant after the marriage of the Complainant. That the applicants have joined the CAW cell proceedings and the applicants are ready to join the investigation if required to do so. That certain articles of istridhan as mentioned in an admitted list of articles could not be handed over as the same are lying at Bangalore and in this pandemic situation it is not possible to bring the same. That the applicants are having deep roots in the society and there is no chance of absconding. That there are apprehension that the applicants/accused can be arrested by the Police officials in the present case.

Ld. Addl. PP, on the other hand, submitted that the investigation is at the initial stage and till date no notice has been served upon the applicants and no permission of arrest of the applicants in the present case has been obtained as per procedure from the DCP concerned and therefore there is no apprehension of arrest and the applications are not maintainable at this stage.

The complainant has also joined the hearing conducted through videoconferencing and submitted that she has levelled specific allegations of cruelty and assault on the sisters-in-law and the brothers-in-law and that the IO is not conducting a fair investigation and has not looked into the allegations of assault levelled against the brothers in law. That there was continuous interference on their part when she was living at Bangalore and at Gurgaon. That it is at their instance that she got her job in Pune and for two years she kept quiet but then she came to know that her husband has been involved in a case for commission of offences under section 376IPC and that there are more such instances and offences committed by him and therefore she has been forced to take this extreme step and legal recourse. That there are specific allegations in the complainant that her mother-in-law had taken her jewellery and part of it was given to her sisters-in-law and that from amongst the list of istridhan articles provided by her the accused have admitted some of the articles to be in their possession however despite admission have not handed over the same till

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date.

Ld. Counsel for the Complainant has supplemented the submissions made by the Complainant by contending that it is the own admission of the accused that all the articles and belongings of the complainant had been brought to the Delhi/Gurgoan house of the accused and it is now being raised as a false pretext that the articles are at Bangalore which also reflects the malafides on their part.


Heard.

It emerges that the parties were referred to mediation to explore possibility of amicable resolution of the dispute and the matter is returned as not settled. In the reply filed by the IO it is stated that during the course of investigation notice u/s 91 Cr.P.C has been served upon complainant/victim on 22/07/2020 to provide the marriage related documents and papers of allegations within 07 days. During investigation the complete noting file has been received from CAW Cell, Central, Kamla Market, Delhi and is being perused and that the investigation is at very initial stage and the istri-dhan is yet to be recovered from the alleged persons and that the accused persons did not cooperate in the investigation despite the knowledge that a case FIR No. 123/2020 dated 20/07/2020, U/s 498A/406/34 IPC was registered at PS Hauz Qazi Delhi against them and file the anticipatory bail.

Though it is stated by the IO that the applicants have not cooperated with the investigation however it not clear as to when the applicants were given the notice under section 160 Cr. PC or 41A Cr.PC to join the investigation particularly when the parties had been referred to mediation and matter is returned as not settled now. It has not been disputed on behalf of the applicants that the applicants had furnished an admitted list of articles and expressed their willingness to return the same though have also expressed the difficulties arising in the wake of the pandemic resulting in delay on their part. It has been disputed that the articles are not lying at Bangalore but at the local residential properties. In such facts and circumstances taking into consideration that no notice till date is alleged to have been served on the applicants and as the parties were exploring the possibility of an amicable resolution of the dispute through Mediation and as it has not been contended before this Court that from the investigation conducted till date there have been found reasonable

grounds for their arrest and as investigation is still at its nascent stage, all the accused-applicants are directed to join investigation in the present case on 03.10.2020, 06.10.2020, 09.10.2020, 13.10.2020 and 16.10.2020, and as and when called upon to do so by the IO, and during this period the applicants-accused shall ensure that all the articles in the admitted list whether at Bangalore or at any place within the country are handed over to the complainant and for the purposes and towards the recoveries shall extend all cooperation at their end. IO to file report on or before the next date of hearing.

For Report and consideration put up on 19.10.2020.

  
(Neelofar Abida Perveen)  
ASJ (Central)THC/Delhi  
30.09.2020