

Bail Application No718/2020
FIR No.193/2020
PS:Prasad Nagar
U/s:370/34 IPC
State Vs. Himanshu Chahal

18.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ACP Krishan Lal.
Sh. Mohit Chadha, Advocate for complainant.
Sh. Shubham Asri, Advocate for applicant/ accused.

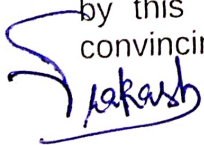
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof be supplied to Id. Counsel of applicant during the course of the day.

Part submissions heard. During the submissions, IO has sought some more time to carry out proper investigation in this case on the ground that he has already examined about 5-6 persons and about 8-10 persons are yet to be examined by him. He further submits that CDRs in respect of one particular mobile number, are yet to be received from the concerned Service Provider and he is also required to examine few under trial prisoners lodged behind the jail, concerning investigation of this case.

It may be noted that detailed observations were made by Id. Predecessor of this Court in order dated 13.08.2020, whereafter investigation was transferred to present IO and he had sought one month's time to carry out proper investigation on the relevant aspects, as mentioned in last order dated 29.08.2020 but still, IO is seeking further time from the Court.

On query, IO who is Senior Police Officer of the Rank of ACP, submits that he cannot say as to how much time he requires to carry out proper investigation on all the relevant aspects in terms of observations made by this Court in order dated 13.08.2020. Said reply of IO is not found convincing at all by the Court.



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Keeping in view the peculiar facts and circumstances of the present case and in view of the observations already made by this Court in order dated 13.08.2020, it would be appropriate that investigation of the present case is carried out under the direct monitoring and supervision of DCP, Central District. It is so directed accordingly.

Copy of this order be sent to concerned DCP for his information and necessary compliance.

IO is directed to carry out the investigation and to submit detailed reply duly forwarded by concerned DCP, before the Court on or before the next date of hearing.

Interim order to continue till next date of hearing.

Put up on **12.10.2020** for arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
18.09.2020

Bail Application No.1272/2020
FIR No.0165/2020
PS:Rajinder Nagar
U/s:376/419/420/493/495 IPC
State Vs. Ashok

18.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Complainant with IO /WSI Pooja Chaudhary.
LAC Sh. J. S. Mishra, Advocate for complainant
(Authority Letter of DLSA filed).
Sh. Vinay Kumar Sharma, Advocate for applicant/ accused.

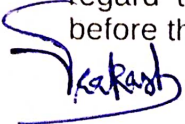
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

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

At the outset, Id. Addl. PP has pointed out that similar regular bail application of applicant/ accused was dismissed on 29.08.2020 by Sessions Court and there is no material change in the facts and circumstances of the case after dismissal of his previous bail application due to which, present bail application is not maintainable under the law.

Counsel of applicant/ accused states at Bar that charge-sheet has been filed in this case after dismissal of the previous bail application of the present applicant and thus, there is material change in the facts and circumstances of the case and therefore, present bail application is maintainable under the law. Counsel of applicant further submits that he has annexed audio clip along with the present bail application in support of his submission that the complainant herself admitted the fact that she was well aware that applicant/ accused was already married. He submits that audio clip is not being accepted by IO.

Keeping in view the facts and circumstances of the case wherein the complainant has alleged that the present applicant had committed rape upon her on false promise to marry despite the fact the applicant was married at that time, the said audio clip may be provided to the IO within two working days from today, whereafter, IO shall carry out fair and independent inquiry / investigation with regard to said audio clip in accordance with law and shall submit the report before the concerned Court as per law.



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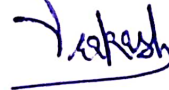
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At this stage, counsel of applicant/ accused seeks permission to withdraw the present bail application with liberty to file fresh before appropriate forum at appropriate stage.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn, with liberty as prayed.

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



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
18.09.2020