

BAIL APPLICATION

FIR No. 303/2014
PS.: Subzi Mandi
State v Rakesh @ Sunny
U/s: 302 /307/120B/34 IPC

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Naveen Gaur, learned counsel for applicant.

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 Motu 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. Arguments heard.
3. It is inter-alia argued that the father of the accused is not well. Younger brother of the accused is living separately. As such, there is no body to lookafter his father. He was earlier granted interim bail and he duly surrendered after availing the same. He is in JC since 2014. That the condition of his father is deteriorating and is serious now. Mother of the applicant is also seriously ill. Co-accused have already been granted interim bail vide order dated 18/04/2020.
4. On the other hand, interim bail application is opposed. It is stated that offence is heinous in nature and not covered in the guidelines issued by Hon'ble High Court of Delhi as mentioned

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above.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case. In present case, in report dated 03/06/2020 filed by the police, it is stated that all treatments and diagnosis reports have been issued by private hospital and diagnosis centre. It is further stated that accused alongwith his other associates had committed the heinous offence in this case. The accused is a habitual offender, who is also previously involved in more than 45 cases in various IPCs and other acts. There is every likelihood that the accused may indulge himself again in similar nature of crime.

It is further submitted in the reply that applicant has applied for interim bail on the ground of his father namely Mr. Jaswant Singh who is suffering from kidney problem since long and his mother Mrs. Lata is seriously ill and suffering from heavy bleeding. During inquiry, all medical documents related to his father and mother's treatment and diagnosis reports have been certified through concern Hospital and concern Diagnosis centre, which are found correct and genuine. Applicant / accused's father and mother is residing at H.No. A-275/16, Near Navada Metro Station, Gulab Bagh, Uttam Nagar, Delhi. In this regard local inquiry has been conducted and statements have been recorded. Accused is having one brother and one sister, both are married and not residing with accused's parents. In the background of such facts and circumstances and in the interest of justice, present interim bail of applicant/accused is allowed.

6. 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

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jail. It may also be noted that earlier courts were 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 .

Further problems being faced on account of lockdown 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.

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 .

7. 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:

l) furnishing personal bond and surety bond in the sum of Rs. 20,000/-to the satisfaction of Court.

(a) Interim bail is allowed for **45** days. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent.

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Necessary intimation be sent to concerned Jail Superintendent accordingly;

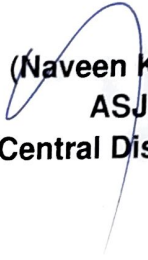
- (b) Applicant shall not flee from the justice;
- (c) Applicant shall not tamper with the evidence;
- (d) Applicant shall not threaten or contact in any manner to the prosecution witnesses;
- (e) Applicant shall not leave country without permission;
- (f) Applicant shall convey any change of address 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 IGPS as well as Bluetooth ON all the time during the period of such interim bail.

8. *It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure*

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strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above. With these directions, the present application stands disposed of.

9. Application stands disposed off accordingly.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

INTERIM BAIL APPLICATION

**FIR No. : 134/2015
PS: Lahori Gate
STATE v Tahir Hussain
U/S: 395/397/412/34 IPC & 25/27/54/59 Arms Act**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
V.C.
Mr. Iqbal Khan, learned counsel for accused.

Report not filed by the IO. But a report is already
filed by the Jail Superintendent of Central Jail No.14, Mandoli,
Delhi.

It is stated that the interim bail to such accused was
granted by this court vide order dated 16/05/2020 and
accordingly he availed the same and thereafter, he was
supposed to surrender back on 01/06/2020. but it is stated that
he is running fever and he is in Barrelie. Infact, it is further stated
that he even went to Mandoli Jail on 03/06/2020 to surrender but
they refused to accept him stating that he was having fever and
thereafter should go to Rohini Jail where they have made an
isolation ward. But, it is further claimed that even the concerned
official at Rohini Jail refused to accept him as his body
temperature was high. It is further stated that such accused had
already moved an application for surrender was filed on
06/06/2020.


The conduct of the accused is not appreciated as in
any case he has failed to comply with the condition of
surrendering to Jail Superintendent concerned. But, in view of

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the submissions made today on his behalf and that it is further claimed that he is still having fever, and coupled with the pandemic situation, his interim bail is extended till 18/06/2020 as it is claimed that he is directed home isolation by private doctors at his native place. Thereafter, he is directed to surrender positively to the Jail Superintendent concerned. Further Jail superintendent concerned is directed to receive him in jail having regard to all the SOPs issued regarding admission of inmates in jail and their screening in the background of the present pandemic situation. Further, such interim bail is extended on the same terms and condition on which on merit it was granted vide order dated 16/05/2020.

The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

Copy of this order be sent to concerned Jail Superintendent as well as to the IO of the case.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

: 1 :

INTERIM BAIL APPLICATION

**FIR No. : 142/2017
PS: Sarai Rohilla
STATE v. Amit Kumar
U/S: 498A/304B/34 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. Rishi Pal Singh, learned counsel for the applicant.

Part arguments heard.

It is stated that the matter is covered in criteria led down by the Hon'ble High court vide its minutes dated 18/05/2020. It is further stated that even other courts have passed similar orders granting interim bail based on such minutes dated 18/05/2020. It is further stated that even on analogy with 302 IPC which is specifically covered in criteria dated 18/05/2020, ground for interim bail is made out under relaxed criteria.

But, on perusal of the criteria dated 18/05/2020, although, other similar sections / offences are mentioned, but section 304B is not mentioned therein. Further, some exceptions are made in all the directions made by the Hon'ble High Court regarding crime against woman of some other natures. Further, in reply by the Jail Superintendent concerned, such objections are also raised.

At this stage, at request of learned counsel for the accused, put up for further arguments / clarification / appropriate order on **11/06/2020**. Learned counsel for the accused wishes the hearing of his case in court only and not through VC.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 288/19
PS: Sarai Rohilla
STATE v. Rahul
U/S: 392,394,397,411, 34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Md. Ilyas, Ld. Counsel accused/applicant.

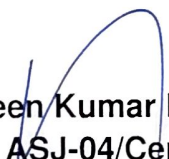
1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued 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. Arguments heard.
3. It is submitted by learned counsel that his case is covered under the criteria of relaxed interim bail issued by Hon'ble High Court. It is further claimed that ultimately Section 394 IPC is already dropped and therefore, he is covered under the criteria of dated 07.04.2020 because only remaining Sections are 392 & 397 IPC which are punishable upto ten

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years.

4. Report not filed by IO in terms of previous order dated 01.06.2020. He is directed to file such report. **Further, he is directed to file report regarding the Sections involved in the present case.** As such, put up for further arguments including report from IO regarding the sections involved in the present case so that matter can be proceeded further in view of criteria of Hon'ble High Court or otherwise on merit. Further, **issue show cause notice to IO** as to why he failed to file the report so far. Further, a copy of this order be sent to DCP concerned through proper channel.

Put up for 15.06.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. : 35/2016
PS: Civil Lines
STATE v. Shahnawaj (Abdul Qayyum)
U/S: 302, 34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC.
None for applicant/accused.

Sh. Bhupesh Kumar Khatri, IO on behalf of SHO,
Civil Lines.

It is stated that IO is already transferred.


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. A copy of conduct report filed by Jail Superintendent concerned. As per such report, his conduct is not good. Same is noted. Further, a report is filed by the IO. As per such report, no previous involvement of the accused is found

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as per record. As such, this case is not covered under the guidelines of Hon'ble High Court of Delhi as the conduct of accused is not good.

3. **Put up for appearance of learned counsel for accused and further arguments on merit on 16.06.2020.**
4. Copy of this order be sent to IO/SHO concerned.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 146/18
PS: Timarpur
STATE v. Raja Babu @ Gandhi
U/S: 304 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Sh. A.A. Qureshi, Ld, counsel for accused.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report received regarding the conduct and copy of custody warrant from Jail Superintendent concerned. Further, it is observed that a report/reply filed by IO but same is not in terms of directions of Hon'ble High Court considering of bail application under the relaxed criteria.

3. Submissions heard.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

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(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

(iii) Date, since when accused is in JC in present case:

(iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

(v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

7. **Counsel for accused is advised to collect the order online through electronic mode.**

8. **Put up for report, arguments and further appropriate orders on 12.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

INTERIM BAIL APPLICATION

**FIR No. : 799/2014
PS: Darya Ganj
STATE v. Vinay @ Monty
U/S: 302, 404, 201, 34 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Mr. Prashant Yadav, learned counsel for applicant.

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. Reply filed by the IO. Same is taken on record.

3. Arguments heard.

4. These are two applications one dated 03/06/2020 for extension of interim bail and another application dated 05/06/2020 for grant of interim bail based on relaxed criteria for interim bail of Hon'ble High Court. At request, both are taken up together by this common order.

5. It is stated that accused is in JC since for more than **two years** (which fact is now even verified by IO in his report).


Further, a copy of certificate of good conduct as well as copy **of custody warrant** is enclosed with such interim bail application.

6. Further, a report is filed by IO/SHO concerned. As per such report, there is no previous conviction or involvement record of such accused. **Further, it is stated that offences alleged against accused are, inter-alia, under Section 302,201,34 IPC.**

7. In view of above position, facts and circumstances of present case, reply given by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than **two years** at present.

8. In this case, it is stated that accused is already on interim bail based on order dated 08/05/2020 on furnishing of personal bond and surety bond in the sum of Rs. 25,000/- each. As such, it is requested by the learned counsel that instead of personal bond to the satisfaction of Jail Superintendent concerned (as directed by Hon'ble High Court) he be released on such previous bail bonds itself, otherwise, it will cause inconvenience to him. Heard. In view of peculiar facts when he is already on interim bail, he is allowed to continue on previous persona bond and surety bond. As such, in view of the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from today. *After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.*

9. In the facts and circumstances of present case and the reply filed by the IO/SHO following additional conditions are imposed on present accused for such interim bail :

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- i) *applicant shall not flee from the justice;*
 - ii) *applicant shall not tamper with the evidence;*
 - iii) *applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
 - iv) *applicant shall not leave country without permission;*

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v) applicant shall convey any change of address immediately to the IO and the court;

vi) applicant shall also provide her mobile number to the IO;

vii) 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;

viii) 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.

ix) Applicant shall keep her such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday.

10. It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above.

11. With these observations, these two applications are disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

**FIR No. 303/14
PS.: Subzi Mandi
State v Vikrant Sagar
U/s: 302 /307/120B/34 IPC**

09/06/2020

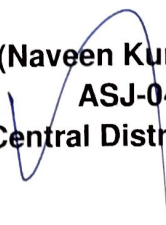
Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Animesh Pandit, learned counsel for applicant.

Report filed by the IO.

Time is sought by the IO SI Dhan Singh to file detail
reply including regarding the medical condition of the applicant.

As such, put up for reply, arguments and appropriate
order at request on **10/06/2020**.


**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020**

BAIL APPLICATION

**FIR No. 10/2016
PS.: Rajinder Nagar
State v Sanjay Kumar
U/s: 302 IPC**

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.
None for the applicant / accused.

Reply filed.

As such, put up for appearance of learned counsel for
the applicant and for arguments and appropriate order on
17/06/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 39/19
PS: Lahori Gate
STATE v. Deepak @ Gadad
U/S: 307,394,411,120-B, 34 IPC &
25,27 Arms Act.

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Mr. S.N. Shukla, Ld. Counsel for accused through
VC.

Interim bail application filed on merit.

**Put up for reply from IO, arguments and
appropriate orders for 15.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 292/14
PS: Rajender Nagar
STATE v. POOJA
U/S: 302,392,397,411,120-B, 34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Sh. S.N. Shukla, Ld. Counsel accused/applicant 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. Report from IO and Jail Superintendent concerned not received.

3. Arguments heard through electronic mode.

4. In this case, accused was granted interim bail vide order dated 11.05.2020. A copy of which is annexed alongwith present application. Thereafter, Hon'ble High Court has passed certain directions vide order dated 18.05.2020. In view of the same, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present

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accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

iii) Date, since when accused is in JC in present case;

iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/SHO .

6. Further, at request and in the interest of justice, having regard to the facts and circumstances of the case when she was already granted interim bail, in the meanwhile, such interim bail is extended till 15.06.2020.

7. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

8. **Counsel for accused is advised to collect the order online through electronic mode.**

9. **Put up for report, arguments and further appropriate orders on 15.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. 276/2016

PS.: I.P. Estate

State v Irfan

U/s: 392/394/397/411 I PC & 25/54/59 Arms Act

09.06.2020

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC.

Mr. Harikrishan, learned counsel for applicant 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. Arguments heard.

3. It is stated in the application that he is in JC for four years; the case is at the stage of PE and evidence is likely to take more time.

4. On the other hand, interim bail application is opposed. His presence is not required for the treatment of his mother. It is stated that offence is heinous in nature and not covered in the guidelines issued by Hon'ble High Court of Delhi as mentioned above.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case. In present case, in report filed by

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the police, the mother of the accused is not well and is undergoing treatment earlier in government hospital and now in private hospital. This fact has also been verified by the IO. In the background of such facts and circumstances and in the interest of justice, present interim bail of applicant/accused is allowed.

6. 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 attendence 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 attendence 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 .

Further problems being faced on account of lockdown 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 attendence in the police station or no attendence at all. Thus as a viable alternative to such condition to physical attendence need to be ordered. Further, when the accused need to surrender back to jail, it will assist in screening against corona infection.

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 .

7. In this background, to get sufficient information, in order to to reduce and detect spread of Corona infection, when the

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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:

l) furnishing personal bond and surety bond in the sum of Rs. 20,000/-to the satisfaction of Court.

(a) Interim bail is allowed for **45** days. 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;

(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.

:4:

(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 IGPS as well as Bluetooth ON all the time during the period of such interim bail.

8. *It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above. With these directions, the present application stands disposed of.*

9. Application stands disposed off accordingly. Learned counsel for the accused is at liberty to obtain dasti order or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi
09/06/2020

1. BAIL APPLICATION

FIR No. : 67/2016
PS: Lahori Gate
STATE v. Alvis Munda
U/S: 186,353,308 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. Kamal Sharma, Ld. Counsel for accused through VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report not filed by IO.

3. Submissions heard through electronic mode.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

iii) Date, since when accused is in JC in present case:

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iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .


v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

7. **Counsel for accused is advised to collect the order online through electronic mode.**

8. **Put up for report, arguments and further appropriate orders on 16.06.2020.**


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

**FIR No. 25/2016
PS.: Darya Ganj
State v. Mohd. Amir
U/s: 394/397/411/34 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. A.A. Qureshi, learned counsel for applicant.
Mrs. Nargis, mother of the applicant in person.

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. This is an application for regular bail but after some arguments, it is stated by the learned counsel for the accused that same be considered at least for granting interim bail on merit in view of the family condition of the accused.

2. Arguments heard.

3. It is argued by the learned counsel that accused is in JC since 14/01/2016; that in view of the present pandemic condition; there is nobody to look after his widow mother; that he is the only male earning member of the family; that he is ready to abide by any condition that will be imposed by the court.

4. On the other hand, interim bail application is opposed. It is stated that offence is heinous in nature and not covered in the

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guidelines issued by Hon'ble High Court of Delhi as mentioned above. It is further stated that he is involved in many other case and he is habitual offender.

5. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case. In present case, having regard to the fact that trial is likely to take some more time in view of the condition prevailing at present, that he has a widow mother to lookafter and belongs to a poor family, he is granted interim bail for 45 days subject to terms and condition as mentioned herein after.

6. 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 attendence 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 attendence in police station, including having regard to nature of corona infection, social distancing norms as well as due to the inconvineince which may be faced by accused due to lockdown .

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 attendence in the police station or no attendence at all. Thus as a viable althernative to such condition to physical attendence need to be ordered. Further, when the accused need to surrender back to jail, it will assist in screening against corona infection.

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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 .

7. In this background, to get sufficient information, in order to 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:

l) furnishing personal bond and surety bond in the sum of Rs. 20,000/-to the satisfaction of Court.

(a) Interim bail is allowed for **45** days . 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;

(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;



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(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 IGPS as well as Bluetooth ON all the time during the period of such interim bail.

8. *It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above. With these directions, the present application stands disposed of.*

9. Application stands disposed off accordingly.

10. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode. Copy of this order be sent to concerned Jail Superintendent as well as to the IO of the case.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 772/15

PS: Timarpur

STATE v. Shanker Dass & Anr.

U/S: 354,354B,376D IPC & sec. 6,10 POCSO Act

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Sh. Ikra Singh, Ld. counsel for accused/applicant through VC.

An application moved for supplying of uncertified copy of judgment pronounced by the court of Ms. Deepali Sharma, Ld. ASJ, POCSO Court.

The Incharge, filing counter is directed to put up such application before the concerned learned court as and when such court is on duty at the earliest.

Put up for further appropriate orders on **15.06.2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

**FIR No. :55/2018
PS: Kotwali
State v. Padam Singh
U/S: 307 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Mr. Diwakar Chaudhary, Ld. Counsel from DLSA 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. Reply filed by the IO. Same is taken on record.

3. Arguments heard.

4. Present application through electronic mode is filed by DLSA through Jail Superintendent concerned. It is stated that accused is in JC since for more than **six months** (which fact is now even verified by IO in his report).

Further, a copy of certificate of good conduct as well as copy of custody warrant is enclosed with such interim bail application.

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5. Further, a report is filed by IO/SHO concerned. As per such report, there is no previous conviction or involvement record of such accused. **Further, it is stated that offences alleged against accused are, under Section 307 IPC.**

6. In view of above position, facts and circumstances of present case, reply given by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than **six months** at present.

As such, in view of the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.**

7. *It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above.*

8. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Designated Court, for DLSA matters
Central District/09.06.2020

BAIL APPLICATION

**FIR No. 143/2013
PS.: Rajender Nagar
State v Harpreet Singh
U/s: 364A/342/323/120B/34 IPC**

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Sanjay Suri, learned counsel for the applicant /
accused through VC.

Reply filed by the IO. Be taken on record.

Arguments heard.

In this case, this is application for extension of interim
bail. Earlier interim bail was granted on 18/05/2020 by this court
vide detail order on merit.

In view of the continuous pandemic situation in Delhi,
as such, interim bail is extended for a further period of 30 days from
15/06/2020 on the same terms and conditions as mentioned in
order dated 18/05/2020 r/w order dated 20/05/2020 regarding
personal bond of the accused. In fact, such personal bond is
extended as is for such 30 days.

In view of this, present application stands disposed
off. Learned counsel for the accused is at liberty to obtain dasti
order or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

**FIR No. : 292/14
PS: Rajender Nagar
STATE v. Suraj Singh
U/S: 302,394,397,411,120-B, 34 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Sh. S.N. Shukla, Ld. Counsel accused/applicant 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. Reply filed by the IO.

3. Arguments heard.

4. **Further, a copy of conduct** report filed by Jail Superintendent concerned. As per such report, his conduct is not good. Same is noted.

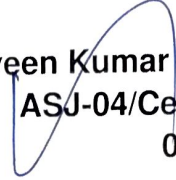
5. As such, in view of the directions by Hon'ble High Court, applicant/accused cannot be given benefit of the relaxed

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criteria for granting interim bail for a period of 45 days. The present application cannot be allowed as such, same is dismissed. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

6. Needless to say that he is at liberty to move interim bail application on merit, if so advised.

7. Copy of this order be sent to IO/SHO concerned.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

Criminal Appeal
Sh. Ravinder Kumar Jain v. Madhu Gupta

09.06.2020.

Present: Sh. Ankit Rai, Counsel for Respondent.

It is stated that concerned court is of Sh. Anuj Aggarwal, Ld. ASJ, Tis Hazari Court.

Put up before such concerned court for appropriate proceedings/orders on 11.06.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. 110/2015

PS.: Lahori Gate

State v Satpal

U/s: 395/397/412 IPC r/w section 25/54/59 Arms Act

09/06/2020

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC.

Mr. Subhash Chauhan, learned counsel for applicant /
accused.

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 Motu 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. Arguments heard.

3. It is stated on behalf of the applicant that co-accused have already been granted regular bail and he is in JC for five years; public witnesses are already examined; that he is having minor children to take care of.

4. It is also the directions by Hon'ble High court that in any case bail application, including interim bail application, are to be decided on merit in any case.

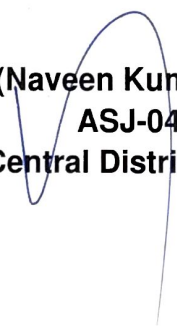
5. In present case, in report filed by the police, it is stated that his presence is captured in cctv footage while committing the crime; that he refused to participate in TIP; that his

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mobile phone location was also found on the place of occurrence of offence; he has been identified by two of the witnesses during trial. It is stated that offence is heinous in nature and not covered in the guidelines issued by Hon'ble High Court of Delhi as mentioned above. Further, he is not covered in any of the guidelines issued by the Hon'ble High Court as it is the case of the accused that he is suffering from any ailment of the category as mentioned in the order of the High Court dated 18/04/2020.

5.1 Further having regard to the section 395 IPC which is punishable upto the life imprisonment, this court is not inclined to grant him interim bail on merit. The same is dismissed.

6. Application stands disposed off accordingly. Learned counsel for the accused is at liberty to obtain dasti order or through electronic mode.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

**FIR No. 20/2015
PS.: Kamla Market
State v Adil @ Shahzada
U/s: 302/396/412/34 IPC**

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Asgar Khan, learned counsel for applicant.

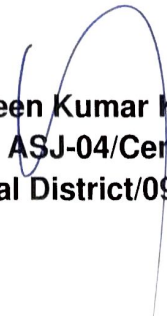
It is stated in the present application that he has prayed for regular bail or in alternate interim bail on merit.

It is further pointed out that he has separately moved interim bail application based on the criteria laid down by the High Court of Delhi but there some adverse entry regarding his conduct only regarding to tobacco in Jail as per allegations by the Jail Authority.

As such, at this stage, it is requested that he wants to address the present interim bail on merit in the background of the guidelines issued by the Hon'ble High Court dated 18/05/2020 as present application was filed before that.

At request, put up for arguments on merit on present interim bail on **10/06/2020**.

Learned counsel is at liberty to place on record in the meanwhile, copy of order passed on such interim bail by learned Sessions Court on 01/06/2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020**

: 1 :

BAIL APPLICATION

**FIR No. : 303/14
PS: Subzi Mandi
STATE v. Deepesh @ Deepu
U/S: 302,307 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Sh. Vikrant Chaudhary, Ld. Counsel accused/ applicant 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. Reply not filed by IO.

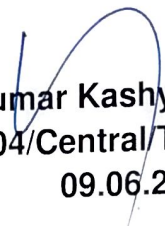
3. IO/SHO concerned is directed to file such report.

Further, he is directed to file report regarding the Sections involved in the present case. As such, put up for further arguments including report from IO regarding the sections involved in the present case so that matter can be proceeded further in view of criteria of Hon'ble High Court or otherwise on

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merit. Further, **issue show cause notice to IO** as to why he failed to file the report so far. Further, a copy of this order be sent to DCP concerned through proper channel.

Put up for 15.06.2020 through VC.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

INTERIM BAIL APPLICATION

FIR No. : 130/2014

PS: Kamla Market

STATE v. Yadvender @Guddu Yadav

U/S: 419,420,365,392,395,412,120B,34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Mr. B.K. Singh, Ld. 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. Reply filed by IO.

3. Part arguments heard.

4. In this case, inter-alia, Section 395, 412 IPC are involved which are mentioned by **Hon'ble High Court in its criteria dated 18.04.2020**. But it is not the case of the accused that he himself is not well or suffering from any ailment as mentioned in criteria dated 18.04.2020. But otherwise, on merit,

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it is argued that he is in JC for six years. That he was granted interim bail twice that his wife is not well and it is further stated that 2-3 co-accused are already granted interim bail, but date of such order or copy of such order is not annexed with the present application.

5. At request, put up for filing of copy of such order, further arguments and appropriate orders on **12.06.2020** through VC.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. 216/2020

PS.: Burari

State v Aakash @ Akash Sharma

U/s: 420/468/471/34 IPC

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. G.K.Kaushik, learned counsel for accused through
VC.

Mr Anil Kumar, complainant in person.

Fresh anticipatory bail application is filed. Copy be
supplied to such complainant. Further copy be sent to IO
concerned.

Put up for reply, arguments and appropriate order
through VC or in person as the party may chose for **15/06/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

**FIR No. : 22/18
PS: Kamla Market
STATE v. RADHA
U/S: 302 IPC**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Sh. S.N. Shukla, Ld. Counsel accused/applicant 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. Reply filed by the IO. Same is taken on record.

3. Arguments heard.

4. **Further, a copy of conduct** report filed by Jail Superintendent concerned. As per such report, his conduct is not good. Same is noted.

5. As such, in view of the directions by Hon'ble High Court, applicant/accused cannot be given benefit of the relaxed

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criteria for granting interim bail for a period of 45 days. The present application cannot be allowed as such, **same is dismissed**. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

6. Needless to say that he is at liberty to move interim bail application on merit, if so advised.
7. Copy of this order be sent to IO/SHO concerned.

(Nayeen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. :97/2019

PS: Lahori Gate

State v. Salman

U/S: 392/397/441/34 IPC r/w section 25/27 Arms Act

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. Vineet Jain, learned counsel for applicant 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. Reply filed by the IO. Same is taken on record.

3. Arguments heard.

4. It is stated that accused **allegedly committed offence u.s 392, 397 IPC etc. That all such offences are punishable upto 10 years. As such on merit as well as based on criteria of Hon'ble HC dated 07.04.2020, he be granted interim bail**

4. Further, a report is filed by IO/SHO concerned. As per

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such report, offences involved are Sections 392/397/411/34 IPC & 25/27 Arms Act.

5. In view of above position, facts and circumstances of present case, reply given by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since 14/06/2019. Thus one year JC period is not yet over, which is otherwise one of the condition in criteria mentioned in order dated 07-04-2020.

6. As such, at request put up for appropriate submission, argument and order as per Hon'ble High Court criteria on **15/06/2020**. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

FIR No. :221/2016

PS: Civil Lines

State v. Nadeem @ Furqan

U/S: 392/397/411/34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. Fakhruddin, learned 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. Reply filed by the IO. Same is taken on record.
3. Arguments heard.
4. It is stated that accused allegedly committed offence u.s 392, 397 IPC etc. That all such offences are punishable upto 10 years. As such on merit as well as based on criteria of Hon'ble High Court dated 7-4-2020, he be granted interim bail
5. Further, a report is filed by IO/SHO concerned. As per such report, offences involved are **392/397/411/34 IPC.**
6. In view of above position, facts and circumstances of present case, reply given by IO and direction by Hon'ble High Court

of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since 5/4/2017 i.e. one year JC period is over, which is one of the condition in criteria mentioned in order dated 07-04-2020. As such, in view of the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond ***in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.***

7. *It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. v. Union of India & Ors.' and thereafter from time to time as mentioned above.*

8. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

FIR No. : 612/2014

PS: NDRS

STATE v. Chidi Emmanuel Izuegbu

U/S: 20,61, 85 NDPS Act

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr Anoop Kumar Gupta, Ld. Counsel accused/ applicant 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. Reply filed by the IO. Same is taken on record.

3. Arguments heard.

4. It is stated in the application as also argued by Sh. Anoop Kumar Gupta learned counsel that he was on bail earlier and later on he was declared PO and re-arrested . That due to some miscommunication he could not appear before the court earlier.

5. On the other hand, in reply it is stated that present accused was arrested alongwith other co-accused with 10 Kg Ganza each. That he was declared PO. That such accused has criminal background and a foreign national. That he is likely to abscond if he is granted bail. As such present bail application is opposed.

6. Having regard to the past adverse conduct of the accused, when he was already declared PO and was re-arrested later on, and the nature of offence, the presence of the accused may not be secured for trial if he is released on bail. As such, this court is not inclined to grant regular bail at this stage, **same is dismissed**. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

7. Copy of this order be sent to IO/SHO concerned.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

FIR No. : 70/19
PS: Sarai Rohilla Railway Station
STATE v. Ankit
U/S: 302, 34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Ms. Seema Gupta, Ld. Counsel accused/applicant.

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.*

Reply filed by the IO. Same is taken on record.

2. Arguments heard.

3. It is stated that accused is in JC since 12.10.2019.

4. **Further, a copy of conduct** report filed by Jail Superintendent concerned. As per such report, his conduct is not satisfactory. Same is noted.

5. As such, in view of the directions by Hon'ble High

: 2 :

Court, applicant/accused cannot be given benefit of the relaxed criteria for granting interim bail for a period of 45 days. The present application cannot be allowed as such, **same is dismissed**. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

6. Needless to say that he is at liberty to move interim bail application on merit, if so advised.

7. Copy of this order be sent to IO/SHO concerned.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 182/2016
PS: Civil Lines
STATE v. Kashim Sekh @ Langda
U/S: 302 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Sh. J.S. Mishra, Ld, counsel for accused through
VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report already filed by IO including regarding previous involvement. As per report, no involvement/conviction record found.

3. Submissions heard.

4. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

- (i) Copy of **custody warrant** of present accused;
- (ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

: 2 :

5. As such, issue notice to Jail Superintendent accordingly.

6. **Counsel for accused is advised to collect the order online through electronic mode.**

7. **Put up for report, arguments and further appropriate orders on 16.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

FIR No. : 221/15
PS: Karol Bagh
STATE v. Ajay Kumar Jha
U/S: 302,392,394,397,342,411,34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC
Sh. J.S. Mishra, Ld, counsel for accused through
VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report received regarding the conduct and copy of custody warrant from Jail Superintendent concerned. Further, it is observed that a report/reply filed by IO but same is not in terms of directions of Hon'ble High Court considering of bail application under the relaxed criteria.

3. Submissions heard.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of

: 2 :

present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

iii) Date, since when accused is in JC in present case:

iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

7. **Counsel for accused is advised to collect the order online through electronic mode.**

8. **Put up for report, arguments and further appropriate orders on 16.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

FIR No. 209/2017
PS.: Karol Bagh
State v Madan
U/s: 380/392/394/34 IPC

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Deepak Chauhan, learned counsel for accused
through VC.

Arguments heard.

Put up for orders at 4:00 PM.

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

At 4:00 PM

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Deepak Chauhan, learned counsel for accused
through VC.

Certain clarification is required regarding ground and date of bail order of the co-accused as it is claimed that two of the co-accused have already been granted bail.

As such, IO to file further report regarding such bail of co-accused. Further, learned counsel for the accused is also at liberty to place on record the copy of such regular bail order of co-accused preferably through electronic mode.

Put up for appropriate orders on **10/06/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

: 1 :

BAIL APPLICATION

**FIR No. : 140/2018
PS: Sarai Rohilla
STATE v. Rohit Mundra
U/S: 307/34 IPC &
25/27 Arms Act**

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Mr. Yogesh Kumar, Ld. Counsel for Accused through VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report not filed by IO.

3. Submissions heard through electronic mode.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

: 2 :

iii) Date, since when accused is in JC in present case:
iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

(i) Copy of **custody warrant** of present accused;
(ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

7. As such, issue notice to the IO/SHO as well as Jail Superintendent accordingly.

8 Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

9. **Counsel for accused is advised to collect the order online through electronic mode.**

10. **Put up for report, arguments and further appropriate orders on 16.06.2020 through VC.**


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

**FIR No. 77/2019
PS.: I.P. Estate
State v Shankar & Anr
U/s: 302/307/120B/34 IPC & 27/54/59 Arms Act**

09/06/2020

Present: Mr. Manoj Garg, ,Ld. Addl. PP for the State
through VC.

Mr. Kartik Gaur, learned counsel for accused through
VC.

1. An application for interim bail is filed. It is stated that accused is in JC since 08/08/2019. As such, he is not covered under the relaxed criteria for grant of interim bail as given by the Hon'ble High Court.
2. On merit, it is stated that wife of the accused was granted interim bail that their daughter was admitted in Medi Poly since 19/04/2020 and is diagnosed with Typhoid and Diarrhea and is still not stable and requires regular treatment at hospital. That documents regarding illness are verified by IO while granting interim bail to co-accused / wife of accused as mentioned in order dated 29/04/2020. That condition of the daughter of the accused is worsening and she is referred to Safdarjung Hospital for further treatment. But she is not admitted to the hospital so far. As such, it is prayed that he be granted interim bail for 60 days.
3. In reply dated, 08/06/2020, factum of serious condition of daughter is not denied but it is stated that such accused involved in four other criminal cases including two for attempt to murder. It is further stated that allegations are serious in nature.
4. I have heard both the sides and gone through the record.

:2:

5. Although, it is not denied that daughter of the accused is not well but it is also a fact that co-accused / wife of the present accused is already granted interim bail for such ground only by this court. As such, this court is not inclined to grant interim bail to the present accused having regard to the nature of present case and his previous involvement in other similar matters.

6. With these observations present interim bail is dismissed. Learned counsel for the accused is at liberty to obtain dasti order or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/09.06.2020

BAIL APPLICATION

FIR No. : 383/2013

PS: Burari

STATE v. Gautam

U/S: 363,364A,302,120-B,201,34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Mr. Varun Gupta, Ld. Counsel for Accused through VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report not filed by IO.

3. Submissions heard through electronic mode.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

- iii) Date, since when accused is in JC in present case:
- iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .
- v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

- (i) Copy of **custody warrant** of present accused;
- (ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

7. **As such, issue notice to the IO/SHO as well as Jail Superintendent accordingly.**

8. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/ SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

9. **Counsel for accused is advised to collect the order online through electronic mode.**

10. **Put up for report, arguments and further appropriate orders on 16.06.2020 through VC.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

BAIL APPLICATION

**FIR No. : 423/2015
PS: Prasad Nagar
STATE v. Rohan
U/S: 302,201,34 IPC**

09.06.2020.

**Fresh Inerim bail filed on behalf of accused
Rohan.**

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through
VC.
Mr. Chirag Madaan, Ld. Counsel for Accused
through VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report not filed by IO.

3. Submissions heard through electronic mode.

4. In view of direction by Hon'ble High Court, **IO/SHO**
to file :

(i) Report about Previous **conviction**, if any, of
present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a
report that present accused is **not involved**, in any other case;

: 2 :

iii) Date, since when accused is in JC in present case:

iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

(i) Copy of **custody warrant** of present accused;

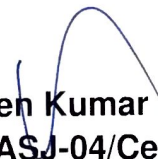
(ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

7. **As such, issue notice to the IO/SHO as well as Jail Superintendent accordingly.**

8. Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

9. **Counsel for accused is advised to collect the order online through electronic mode.**

10. **Put up for report, arguments and further appropriate orders on 16.06.2020 through VC.**


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

: 1 :

BAIL APPLICATION

FIR No. : 31/2017
PS: Delhi Cantt Railway Station
STATE v. Kalu @ Ajay Rajput
U/S: 302,201,34 IPC

09.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC.
Mr. Neel Gulia, Ld. Counsel for Accused through VC.

1. *Directions are 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 Motu W.P.(C) No. 1/2020 dated 23.03.2020, Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions 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. Accordingly, present application is taken up.*

2. Report not filed by IO.

3. Submissions heard through electronic mode.

4. In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

: 2 :

- iii) Date, since when accused is in JC in present case:
- iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .
- v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

5. As such, issue notice of present application to the IO/ SHO .

6. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

- (i) Copy of **custody warrant** of present accused;
- (ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

7. As such, issue notice to the IO/SHO as well as Jail Superintendent accordingly.

8 Further, in view of directions passed, copy of this order be sent to SHO/IO concerned **through Nodal Officer Insp. Vijay Vats, Mobile No. 9810127561**. The concerned IO/SHO to file its reply through Nodal officers, preferably in electronic form/email ,as per the directions already issued.

9. **Counsel for accused is advised to collect the order online through electronic mode.**

10. **Put up for report, arguments and further appropriate orders on 16.06.2020 through VC.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

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: 1 :

BAIL APPLICATION

**FIR No. 20/2015
PS: Kamla Market
State v. Tehsin @ Kevda
U/S: 302,396,412,34 IPC**

09.06.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State through
VC.
Sh. Kumar Piyush Pushkar, counsel for accused.

1. Vide this order, present regular bail application under section 439 Cr.P.C. on behalf of accused Tehsin @ Kewda dated 27.05.2020 filed through counsel is disposed of.

2. In nutshell, it is submitted in such application, as also argued by learned counsel for accused that he is falsely implicated in present case. That he has no connection with the present case. In fact the colour of the jacket which he was wearing is different from what is alleged by prosecution. That matter is pending for further PE without any fault on the part of the accused. That public witnesses examined so far are hostile. That report given by IO is contradictory regarding recovery of money. That there is contradiction in the statement of witnesses examined. But it is admitted that his application for regular bail was earlier dismissed vide order dated 09.08.2019 and this is the second bail application after such first bail application. That there is a spread of Corona Virus in the jail also and that ground is also taken. As such, it is prayed that that he be granted regular bail.

3. On the other hand, in reply filed by SI Mahesh Kumar Bhargava, as also argued by Ld. Addl. PP for the state, that

accused is charged inter-alia with Section 302 IPC in which minimum punishment is imprisonment for life. It is further stated that earlier bail application of the accused was dismissed on 09.08.2019. It is further stated that there are sufficient incriminating evidence against the present accused and there is no material change in circumstances since the dismissal of such bail application.

4. I have heard both the sides and have gone through the record.

5. The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to

release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

6. Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted

person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).


7. But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

8. Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

9. At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437

Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

10. Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is



of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

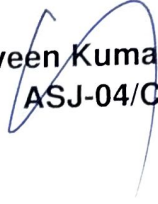
11. Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or

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refusing bail u/s 439 of the CrPC.

12. There are specific and serious allegations against such accused. The evidence is not discussed in detail, as present application is an application for bail only. The present accused is charged with Section 302 IPC in which minimum punishment is imprisonment for life. Further there is no material change in circumstances since dismissal of last bail application where similar grounds were taken. Under these circumstances, no ground for bail is made out at present. **Accordingly, same is dismissed.**

13. Copy of this order be given to the applicant/accused through counsel.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09.06.2020

BAIL APPLICATION

State Vs Anadil Hassan

FIR No. 139/2011

PS: I.P. Estate

U/S: 364A/302/394/201/120B/34 IPC

09/06/2020

Present: Mr. Manoj Garg, Learned Addl. PP for the State through VC.
Mr. Ajay Verma, Learned counsel for the applicant / accused
through video conferencing.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 30/05/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be

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imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on

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personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

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Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

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Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In this case, it is stated that applicant is the only bread earner of the family. It is further argued that he is in JC since last about nine years. Co-accused Firoz Alam has been granted regular bail by the Hon'ble High Court on 24/04/2020 and thereafter, co-accused Mohd. Javed and Raju Lal Jaat and Mehboob Alam have also granted regular bail by this court. As such, it is argued that on the ground of parity also, he be granted regular bail. That earlier also he was admitted to interim bail twice and he duly surrendered after availing the same.

On the other hand, in reply dated 01/06/2020 filed by Inspector A.P. Singh, the factum of family members of the accused and ailing mother in law is not denied. It is further stated that he is involved in planning of the conspiracy of the offence in question. It is submitted by the IO that offence is heinous in nature including u/s 302 and 364A IPC.

Under these circumstances, when bail to the co-accused is already granted by the Hon'ble High court recently on 24/04/2020, which order is perused by this court as annexed while granting bail to another co-accused

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Mohd. Javed and thereafter, bail is granted consequently by this court on similar grounds to two of the accused persons, as such, the present accused is also granted bail i.e. on his furnishing a ***personal bond and surety bond in the sum of Rs. 15,000/-*** to the satisfaction of the Court, subject to the following conditions:

- i) The applicant will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;*
- ii) The applicant shall keep the Investigating Officer Inspector Arvind, Police Station I.P. Estate (Mob No. 9717288003) informed about his whereabouts every Friday through SMS or telephone.*

Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Copy of order be uploaded on the website.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
09/06/2020