

27.07.2020

Present Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.

Sh. Jaspal Singh, Ld. Counsel for applicant/accused through video conference.

Ms. Neha Sharma, Ld. Counsel for DCW.

Complainant alongwith Ld. Counsel Sh. Faiz Ahmed.

1 This is an application seeking regular bail filed on behalf of applicant/accused.

2. The present FIR U/s 376/506 IPC has been registered against the applicant/accused on the complainant of the prosecutrix (name is withheld to protect her identity) on the allegations that when she visited Jammu and Kashmir in February, 2016 alongwith her sister, she met accused at the shop of dry fruits and became familiar with applicant/accused and his sister. Subsequently, applicant/accused visited Delhi where complainant and her sister helped the applicant/accused in lodging and boarding. It is further stated that applicant/accused fell ill in Delhi and he was got treated for jaundice by the prosecutrix and her sister. It is stated that applicant/accused was staying in Grand Line Hotel in Delhi and when on 17.07.2016, the prosecutrix visited applicant/accused in the Hotel for providing him home made food, applicant/accused gave him Limca to drink. It is further stated after taking the

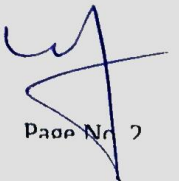


FIR No. 127/20
PS : Jama Masjid
State Vs. Sohail Ahmed

said Limca, complainant fell unconscious and when she woke up at about 7 p.m., she was naked and found that applicant/accused had sex with her forcefully. It is further stated that when she started crying, applicant/accused stated that he would marry her and talked about the same with her sister. Thereafter, parents of applicant/accused came to the house of victim and their engagement was solemnized.

3. It is further stated on 18.12.2016 when she visited Jammu & Kashmir, applicant/accused again made physical relations with her forcefully stating that they were going to be married soon. However, thereafter on 19.06.2017, applicant/accused gave beatings to the prosecutrix and refused to marry with her. Subsequently, in July 2019, applicant/accused had talk with the prosecutrix on telephone and stated that he wanted to return in her life and asked her to come to Srinagar and when she reached there, applicant/accused had sexual relations with her again. After 04.08.2019, she could not have telephonic conversation with her due to curfew having been imposed in Jammu & Kashmir.

4. It is further stated that in January, 2020, they again started having telephonic conversation with each other and when she reached Srinagar on 03.03.2020 after applicant/accused has asked her to visit, he had again sex with her in a Hotel.



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5. It is further stated on 11.03.2020 when the prosecutrix returned to Delhi and tried to have talk with accused on telephone, he started abusing her and refused to marry her.

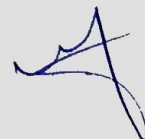
6. On the basis of aforesaid allegations, FIR U/s 376/506 IPC has been registered at PS Jama Masjid against applicant/accused. After registration of aforesaid case, medical examination of the prosecutrix was conducted. Her statement U/s 161 and 164 Cr.P.C. was recorded. NBW was got issued on 07.06.2020 and on 06.07.2020, accused was arrested from his residence at Jammu & Kashmir and since then he is in judicial custody.

7. The present bail application has been moved submitting inter alia that the applicant/accused and prosecutrix still want to marry with each other. It is argued that if all the allegations levelled by the prosecutrix are taken at its face value, the same do not constitute any offence much less than U/s 376 of IPC.

8. Complainant is present with her Counsel through video conference. It is stated by her that now she is having 'no grievance' against the applicant/accused as he is ready to marry with her.

9. Reply to present bail application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused.

10. Ld. Addl. PP for State has vehemently opposed the bail application



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on the ground that now the proposal of the applicant/accused to get married with the prosecutrix/complainant and complainant agreeing for the same, cannot be a ground for seeking regular bail.

11. I have heard the arguments and perused the record.

12. Applicant/accused had physical relations with the prosecutrix on several occasions as per the allegations in the FIR and the said allegations have not been denied by the applicant/accused in his bail applicant/accused. In fact, it is stated that applicant/accused is ready to fulfill his promise of getting married with the prosecutrix, however, allegations of the prosecutrix as noted above do prima-facie constitute offence of rape when she alleged that on 17.07.2016, accused had physical relations with her after making her to drink Limca containing some stupefying substance. Applicant/accused is a resident of Jammu & Kashmir and he was got arrested from Jammu & Kashmir after NBW has been issued against him. The allegations against the applicant/accused are serious and heinous in nature and same cannot ^{be} condoned by the complainant/prosecutrix as the said crime is against the society and that is why it has been made non compoundable even with the consent of prosecutrix. Furthermore, investigation in the present case is at nascent stage.

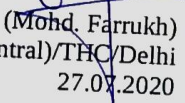
13. In view of above discussion, without commenting on merits of the


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case, I am not inclined to grant bail to applicant/accused, hence, bail application is dismissed. Copy of this order be sent to Ld. Counsel for applicant/accused through e-mail and applicant/accused through the Jail Superintendent concerned for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
27.07.2020

Bail application no.1145 /2020
FIR No. 640/14
P.S.Kotwali
State v. Mohd. Nasir

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.
Ms. Neha Sharma, Ld. Counsel for DCW.
(Both are present through video conferencing.)
None for accused/applicant.

Proceedings in the present case have been conducted through video conferencing.

Today, matter is listed for arguments on the second bail application filed by the applicant/accused seeking anticipatory bail, however none is present on behalf of applicant/accused. Perusal of the record reveals that Ld. Counsel for applicant/accused not appearing for argue the application. Even on the previous date of hearing he was not present.

At this stage, it is stated by the Reader of the court that Ld. Counsel for the applicant/accused has contacted and submits that she could not move out from her home town due to lockdown.

In view of the aforesaid, now to come up for arguments on 30.07.2020.



(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

FIR No. 217/20
PS : Nabi Karim
State Vs. Rahul @ Lala @ Vishnu

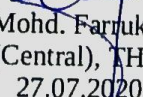
27.07.2020

Present Ms. Reeta Sharma, Ld. Addl. PP for the State through video conference.
Sh. Vineet Jain, Ld. Counsel for applicant/accused through video conference.
Complainant with Ld. Counsel Sh. Manoj Kumar through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused Rahul. Reply has been filed by IO and copy of the same has been supplied to Ld. Counsel for applicant/accused.
2. It is stated that applicant/accused alongwith his real brother, namely, Raj have been falsely implicated at the instance of complainant and have been arrested. Applicant and his brother are in judicial custody since 14.07.2020. It is stated that applicant/accused is a young boy having clean antecedents and has never been involved in any criminal case. It is further stated that applicant/accused had fracture in his hand and injured/complainant have already been discharged from the Hospital. It is further stated that applicant/accused has co-operated in the investigation and investigation qua him is complete.
3. Per contra, Ld. Addl. PP for State has vehemently opposed the bail application on the ground that medical opinion obtained by the IO and filed today reflects that the complainant has suffered grievous injuries.


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4. I have heard the arguments and perused the record.
5. Ld. Counsel for complainant alongwith complainant are present through video conference. It is stated by the complainant that matter has been settled between him and the accused persons and he has 'no grievance' against applicant/accused.
6. Having considered the aforesaid facts and circumstances where the investigation qua the applicant/accused is complete; he has clear antecedents, this case is also covered under the guidelines of the High Powered Committee of Hon'ble Delhi High Court for granting interim bail. Trial is going to take sufficient time to resume in the wake of outbreak of Covid-19. Therefore, I am inclined to grant regular bail to applicant/accused on his furnishing personal bond in sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of Ld. MM/Link MM/Duty MM with conditions that (1) applicant/accused will not leave the jurisdiction of Delhi-NCR without permission of the Court (2) applicant/accused will not try to influence the witnesses (3) applicant/accused will not indulge himself in any such case which may hamper trial of the case.


(Mohd. Farukh)
ASJ-05 (Central), JHC, Delhi
27.07.2020

FIR No. 217/20
PS : Nabi Karim
State Vs. Raj

27.07.2020

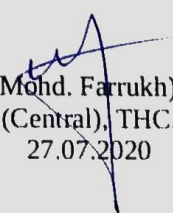
- Present Ms. Reeta Sharma, Ld. Addl. PP for the State through video conference.
Sh. Vineet Jain, Ld. Counsel for applicant/accused through video conference.
Complainant with Ld. Counsel Sh. Manoj Kumar through video conference.
1. This is an application seeking regular bail filed on behalf of applicant/accused Raj. Reply has been filed by IO and copy of the same has been supplied to Ld. Counsel for applicant/accused.
 2. It is stated that applicant/accused alongwith his real brother, namely, Rahul have been falsely implicated at the instance of complainant and have been arrested. Applicant and his brother are in judicial custody since 14.07.2020. It is stated that applicant/accused is a young boy having clean antecedents and has never been involved in any criminal case. It is further stated that the injured/complainant has already been discharged from the Hospital. It is further stated that applicant/accused has co-operated in the investigation and investigation qua him is complete.
 3. Per contra, Ld. Addl. PP for State has vehemently opposed the bail application on the ground that medical opinion obtained by the IO and filed today reflects that the complainant has suffered grievous injuries.
 4. I have heard the arguments and perused the record.



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5. Ld. Counsel for complainant alongwith complainant are present through video conference. It is stated by the complainant that matter has been settled between him and the accused persons and he has 'no grievance' against applicant/accused.

6. Having considered the aforesaid facts and circumstances where the investigation qua the applicant/accused is complete; he has clear antecedents, this case is also covered under the guidelines of the High Powered Committee of Hon'ble Delhi High Court for granting interim bail and trial is going to take sufficient time to resume in the wake of outbreak of Covid-19. Therefore, I am inclined to grant regular bail to applicant/accused on his furnishing personal bond in sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of Ld. MM/Link MM/Duty MM with conditions that (1) applicant/accused will not leave the jurisdiction of Delhi-NCR without permission of the Court (2) applicant/accused will not try to influence the witnesses (3) applicant/accused will not indulge himself in any such case which may hamper trial of the case.


(Mohd. Farrukh)
ASJ-05 (Central), THC, Delhi
27.07.2020

Bail application no.1769 /2020
FIR No.198/20
P.S.Nabi Karim
State v. Manoj

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Sh.Anil Sharma, Ld. Counsel for accused/applicant.

(All are present through video conferencing.)


Proceedings in the present case have been conducted through video conferencing.

This is bail application filed by the applicant/accused seeking bail.

During arguments, Ld. Counsel for the applicant/accused wishes to withdraw his bail application with liberty to file the bail application after filing of charge sheet.

Accordingly, present bail application is dismissed as withdrawn with liberty to file the bail application after filing of charge sheet.

In the meantime, IO is directed to obtain the medical opinion regarding the nature of injury from the doctor and make it a part of charge-sheet to be filed.


(MOHD.FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

Bail application no. 1825/2020
FIR No.83/20
P.S.Kashmere Gate
State v. Rohit

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Sh.Alok, Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

Part arguments heard.

At the request of ld. Counsel for the applicant/accused, matter is adjourned for 04.08.2020 for arguments on bail application.

(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

Bail application no.1818 /2020
FIR No. 55/20
P.S.Paharganj
State v. Ashish

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Mr. Saket Kumar , Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

Ld. Counsel for accused/applicant submits that accused/applicant has not surrendered in compliance of previous order dated 25.07.2020 passed in pursuance to the dismissal of the application of the applicant for seeking extension of his interim bail by Sh. Naveen Kashyap, Ld. ASJ-04, This Hazari Courts vide his order dated 14.07.2020.

Ld. Counsel for accused/applicant further submits that accused/applicant has threatened him to kill for which he is in the process of making separate complaint.

In view of the aforesaid facts and circumstances, where the accused has not surrendered himself and therefore he is not in any sort of custody, his application for regular bail is not maintainable and therefore, same is dismissed.

(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

FIR No.18/20
P.S.Wazirabad
State v. Suraj Haldar

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Sh.Ajit Kumar, Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

Ld. Counsel for accused/applicant submits that he has been recently engaged and ,therefore, he could not prepare response/reply to the report of the IO and seeks time.

On the previous date of hearing, IO was directed to join the court proceedings through video conferencing. However, he did not join the same despite the Reader making him aware of the aforesaid order and copy of the previous order having also been sent to him.

In view of the aforesaid, now to come up for arguments on 04.08.2020. Till then, IO/SHO is directed not to take any coercive steps against the



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applicant/accused. Applicant/accused is directed to join the investigation as and when directed by the IO/SHO.



(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

At this stage, IO SI Neeraj Tomar has joined the video conferencing and submits that he has not got the message today to join the proceedings.

In view of his submissions, he has been apprised about the proceedings of the day and directed to join the court proceedings through video conferencing on the next date of hearing.

Put up on date fixed.



(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020

FIR No. 204/19
P.S.Sadar Bazar
State v. Mohd. Rian

27.07.2020

Case file has been received after committal of the case. It be checked and registered.

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.


Sh. Laxmi Narain Rao, Ld. Counsel for accused persons.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

Ld. Counsel for accused persons submits that he has received copy of the charge-sheet alongwith all the documents.

In view of his submissions, now to come up for consideration on charge sheet on 17.08.2020.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS, DELHI
27.07.2020

Bail application no.1822 /2020
FIR No. 105/20
P.S.Paharganj
State v. Jitesh

27.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Sh.S.K.Goutam, Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

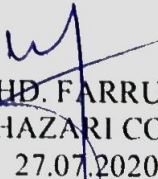
Proceedings in the present case have been conducted through video conferencing.

Reply has been filed by the IO to the bail application. Copy of the same has been supplied to the ld. Counsel for the complainant electronically.

Part arguments heard.

During the course of the arguments, Ld. Counsel for the applicant/accused stated that other co-accused has already been granted bail within 5-6 days of their arrest. The said fact is mentioned in the Para-2 of the application of the applicant. However, no reply has been given by the IO regarding this fact. IO is directed to file additional reply giving details of arrest of other co-accused and their respective days of release on the bail.

Now to come up for further arguments on 30.07.2020.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
27.07.2020