

FIR NO.40/2020

U/S 376/377/328/313 IPC

PS : Kamla Market

State Vs. Imran

21/07/2020.

At 4:00 PM

THIS IS THE SECOND BAIL APPLICATION MOVED U/S 439 CrPC. BY THE APPLICANT/ ACCUSED IMRAN.

ORDER :

Present : Sh. Manoj Garg, Ld. APP for the State.

None for the applicant/ accused Imran.

None for the prosecutrix.

Oral arguments were heard on the last date of hearing i.e. on 20.07.2020.

Matter is fixed today for orders.

Briefly stated, the allegations against the applicant/ accused Imran, as per the FIR, are that in the year 2014, the applicant/ accused Imran came into contact with the prosecutrix and won her confidence. The applicant/ accused then invited the prosecutrix for a party and administered some stupefying substance to the prosecutrix. The prosecutrix lost her consciousness immediately. When the prosecutrix regained her consciousness, she discovered

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herself to have been disrobed. The applicant/ accused, then, started manipulating and blackmailing her, which continued for a long time. The prosecutrix claims to have been impregnated many times by the applicant/ accused. Later on, the applicant/ accused Imran tried to push the prosecutrix into flesh trade. The prosecutrix then approached the police and get the present FIR registered on 18.03.2020. The prosecutrix claims that between 2014 and 2020, she was sexually abused by the applicant/ accused on multiple occasions and was also subjected by him to unnatural sex.

After the registration of the present FIR, the applicant/ accused Imran was promptly arrested on 18.03.2020 and is languishing in judicial custody since then. This Court was informed that the charge-sheet has also been filed in this FIR before the concerned court of Ld. MM. This Court has perused the copy of charge-sheet sent via electronic mode by the staff on the last date of hearing. The applicant/ accused Imran is facing the offences punishable U/s 376/377/328/313 IPC. It is clearly mentioned in the charge-sheet that the applicant/ accused Imran claimed to have been married with the prosecutrix, however, he could not produce any '*Nikahnama*' marriage certificate in support of his contentions during the investigation.

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The present bail application was moved on 09.06.2020 alongwith a copy of '*Nikahnama*'. The Ld. Duty/Roster Judge directed the IO concerned to verify the genuineness of the '*Nikahnama*'. IO filed a report on 04.07.2020 to the effect that he approached the '*Qazi*' of the Masjid, wherefrom this '*Nikahnama*' was issued. IO reportedly checked the register maintained by the '*Qazi*' in this regard. IO also recorded the statements of two witnesses, who were present at the time of marriage of the applicant/ accused Imran with the prosecutrix. The statements of both the witnesses have been placed on record by the IO along with his report. It is further reported by the IO that the consent of the prosecutrix was duly taken at the time of marriage/ *Nikah* on 07.08.2017.

Now, it has been argued on behalf of the applicant/ accused Imran that the report of the IO clearly establishes that the applicant/ accused Imran was legally married to the prosecutrix on 07.08.2017, as per Muslim Personal Law. It is, accordingly, submitted that the allegations leveled by the prosecutrix are conclusively defeated by the said report filed by the IO. Accordingly, it has been prayed that the present bail application may be allowed and the applicant/ accused Imran may be released on bail.

The prosecutrix argued, through her counsel, that she never got married to the applicant/ accused Imran and that the '*Nikahnama*' propounded by the applicant/ accused is a fake document. She further declined to have signed any marriage register.

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Ld. APP for the state has argued that the conduct of the applicant/ accused Imran is highly doubtful as he failed to produce the said '*Nikahnama*' during the course of investigation. Ld. APP for the state further submits that keeping in view the seriousness of the allegations, the present bail application may be dismissed.

This Court has considered the rival submissions. At the very outset it must be observed that there is a substantial delay of almost 06 years in the registration of present FIR. Moreover, the applicant-accused claims to be married to prosecutrix. No doubt, the applicant/ accused Imran has belatedly submitted the '*Nikahnama*' with respect to his marriage with the prosecutrix. However, it could not be denied that accused has been claiming since the beginning that he was married to the prosecutrix and the '*Nikahnama*' propounded by him has been duly verified from the concerned 'Qazi' by the IO. IO has obtained the copy of the relevant register and also recorded the statements of the two witnesses to the said marriage. Although, the prosecutrix claims the said '*Nikahnama*' to be forged and fabricated, but, at this prima facie stage the report of the IO, which is supportive of the '*Nikahnama*' propounded by the applicant/ accused Imran, could not be ignored. Infact, this document has the potential to un-hinge the entire prosecution case.

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Considering the above facts and also the fact that investigation qua accused, who is languishing in custody since March, 2020, is already complete, it would be appropriate that the applicant/ accused/ accused Imran is admitted to regular bail on furnishing bail bond in a sum of Rs. 25,000/- with two sound sureties in the like amount to the satisfaction of the concerned Ld. Duty MM/ Ld. MM. It is directed that the applicant accused shall not threaten or influence the witnesses in this case. None of the above observations have been made on the merits of this case and as such they may not be considered to have any effect on merits at all. Bail application stands disposed of accordingly.

A copy of this order be sent to the Jail Superintendent concerned for information. A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)

PO-MACT-02(Central),

Delhi/21/07/2020(k)

FIR NO.34/2020

U/S 392/394/397/324/34 IPC

PS : Karol Bagh

State Vs. Ritik

AND

E-FIR NO.71/2020

U/S 392/420/34 IPC

PS : Karol Bagh

State Vs. Ritik

21/07/2020.

At 4:15 PM

**THESE ARE TWO BAIL APPLICATIONS MOVED ON BEHALF OF APPLICANT/
ACCUSED IN RESPECTIVE FIRs BEARING NO. 34/2020 & FIR BEARING
NO.71/2020**

Present : Sh. Manoj Garg, Ld. APP for the State.

None for the applicant/ accused Ritik.

Oral arguments were heard on the last date of hearing i.e. on 20.07.2020.

Matters are fixed today for orders.

FIR NO.34/2020
PS : Karol Bagh
AND
E-FIR NO.71/2020
PS : Karol Bagh

ORDER ON BAIL APPLICATION IN FIR No. 34/2020 :

The brief facts in the present present FIR bearing no. 34/2020 are that the complainant/ injured was robbed of Rs. 2,000/- and certain cards/ documents on the date of incident at the relevant time by two assailants. The said assailants also tried to rob the mobile phone and wallet of the injured, but the injured cried for help and thereafter, one of the assailants shut the mouth of the injured and the other inflicted a stab injury on the back of the injured just behind the chest. The injured was shifted to a hospital, where the knife removed after surgery. The police invoked Section 392/394/397/324/34 IPC against the said two assailants. During the investigation, the present applicant/ accused Ritik surrendered in the Court and was formally arrested. The applicant/ accused Ritik refused to participate in the judicial TIP. The other assailant namely Dhanjay was also apprehended and formally arrested in the present FIR.

Ld. Counsel for the application/ accused Ritik submits that the applicant is a young boy and is in languishing in judicial custody since 28.01.2020 in the present

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PS : Karol Bagh

AND

E-FIR NO.71/2020

PS : Karol Bagh

FIR no. 34/2020. It has been further submitted that the application/ accused is innocent and is not named in the FIR, that the father of the applicant/ accused Ritik has already expired and that the applicant shall remain available for trial, if released on bail at this stage.

On the other hand, Ld. APP for the state submits that the applicant/ accused Ritik is a habitual offender, as reported by the IO. It has been further submitted that the list of previous involvements of the applicant/ accused has been filed alongwith the report of the IO. The prayer for grant of bail is opposed by the Ld. APP for the state.

This Court has considered the rival submissions. Admittedly, the injured had to be operated upon in order to remove the knife stuck on his person at the time of robbery. Admittedly, the applicant/ accused Ritik has refused to undergo TIP. There are multiple cases registered against the applicant/ accused Ritik. In the facts and circumstances of the present case and also keeping in view the gravity of offences, this Court is not inclined to release the applicant/ accused Ritik on bail. Hence, the bail application stands dismissed.

FIR NO.34/2020

PS : Karol Bagh

AND

E-FIR NO.71/2020

PS : Karol Bagh

ORDER ON BAIL APPLICATION BEARING FIR No. 71/2020 :

In brief, the facts of the present FIR are that the complainant registered an online FIR with respect to the theft of certain articles. However, Section 392 IPC was later on added in the present FIR. The applicant/ accused Ritik was subsequently arrested in the present FIR. TIP was conducted in which the applicant/ accused Ritik was identified by the complainant.

Ld. Counsel for the application/ accused Ritik submits that the applicant is a young boy and is languishing in judicial custody since 29.01.2020 in the present FIR no. 71/2020. It has been further submitted that the application/ accused is an innocent person and that the father of the applicant/ accused Ritik has already expired and that the applicant shall remain available for trial, if released on bail at this stage.

The above prayer for bail by the applicant/ accused has been vehemently opposed by the Ld. APP for the state on the ground that the applicant/ accused Ritik is a habitual offender.

This Court has considered the rival submissions. Keeping in view the gravity of offences and also the previous involvements of the present applicant/ accused Ritik in

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PS : Karol Bagh

AND

E-FIR NO.71/2020

PS : Karol Bagh

the year 2019 itself, this Court is not inclined to release the applicant/ accused Ritik on bail. Hence, the bail application stands dismissed.

Copy of this order be sent to the Jail Superintendent concerned for information. A copy of this order be also uploaded on the official website of Delhi District Courts.

(LOVLEEN)

PO-MACT-02(Central),

Delhi/21/07/2020(k)

MACT No. 761-19

21.07.2020

At 02.15 P.M.

Present : Sh. Upender Singh, Ld.Counsel for the petitioners.

Sh. V.K.Gupta, Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok Adalat Dated 26/07/2020. Proceedings conducted through Cisco Webex.

It is submitted jointly by Ld. Counsel for the parties that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat scheduled for **26/07/2020**.

Parties to appear accordingly.

(LOVLEEN)

PO MACT-02 (CENTRAL)

DELHI/21.07.2020 (K)

FIR No.06/19
PS Prasad Nagar
U/s 356/379/411/34 IPC
State Vs. Rohit

21.07.2020

At 12.15 P.M.

Present : **Sh. Manoj Garg, Ld. Addl PP for the State.**
Sh. Manoj Sharma, Ld. Counsel for the
applicant/accused.

Proceedings conducted through Video
conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15.07.2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Recovery has already been effected.

Complainant is unable to recognize the accused persons, as reported by IO in his reply. *Accused is languishing in custody since 14.06.2020. No purpose will be served by detaining the applicant / accused further in judicial custody.*

In the facts and circumstances, the applicant/accused Rohit is admitted to bail subject to the furnishing of personal bonds in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Ld. Duty MM / Concerned Trial Court.

The present application u/s 439 Cr.PC for grant of bail stands disposed of accordingly.

Copy of this order be sent to the court of Ld. Duty MM / Concerned Trial Court as well as Jail Superintendent.

Copy of this order be given dasti to Ld. Counsel for the applicant/accused Rohit as requested.

Copy of this order be uploaded on the official website immediately. **File be consigned to Record Room.**

(LOVLEEN)

PO MACT-02 (CENTRAL)

DELHI/21.07.2020 (K)

FIR No.144/19
PS Hauz Qazi
U/s 326 IPC
State Vs. Naimuddin

21.07.2020

At 12.30 P.M.

**Fresh bail application u/s 439 Cr.PC filed. It be
checked and registered.**

Present : Sh. Manoj Garg, Ld. Addl PP for the State.
**Mr.Mohd. Saleem, Ld. Counsel for the
applicant/accused.**

**Proceedings conducted through Video
conferencing by means of Webex Meet.**

The present bail application has been taken up in
pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated
15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Report has been sent in by the concerned SHO.

At this stage, Ld. Counsel for the applicant/
accused seeks an adjournment.

At request, be put up for further proceedings on
29.07.2020.

(LOVLEEN)

PO MACT-02 (CENTRAL)

DELHI/21.07.2020 (K)

FIR No. 137/20
PS Rajinder Nagar
U/s 452/392/34 IPC
State Vs. Ankush

21.07.2020

At 03.50 P.M.

Fresh bail application u/s 438 Cr.PC filed. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl PP for the State.

IO ASI Daryab Singh (No. 43/C) PS Rajinder Nagar is present.

Sh. Rajeev Ranjan,Ld. Counsel for the applicant/accused Ankush.

Proceedings conducted through Video conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has been sent in by the IO concerned.

FIR No. 137/20
PS Rajinder Nagar

Oral submissions have been heard.

It has been submitted on behalf of the applicant/accused that he has been falsely implicated in the present FIR by the police officials. It has been submitted that the applicant/accused was in custody in a different FIR when he was formally arrested in the present FIR from Jail and false recoveries were planted upon him. Accordingly, it has been prayed that the applicant/accused Ankush may be granted bail. It is further prayed that detaining the applicant/accused in custody might expose him to Covid-19.

Ld. Addl. PP for the State opposes the grant of bail on the ground that the applicant/accused is a habitual offender.

This Court has considered the rival submissions. As per present FIR, the applicant/accused is facing allegations of strangling an old lady with the help of his accomplices in order to commit robbery and to have decamped with gold jewellery. The police managed to get recovered a part of the looted gold jewellery at the instance of the applicant/accused from Muthoot Finance Ltd, Patel Nagar where it was

FIR No. 137/20
PS Rajinder Nagar

pledged for a sum of Rs. 30,000/- by the applicant/accused. The applicant/accused refused to undergo TIP in this FIR. Accused is reportedly involved in many other cases too.

In the facts and circumstances of the present case and in view of the previous involvements of the applicant/accused, this Court is not inclined to enlarge the applicant/accused on bail. Hence, the present bail application stands dismissed.

Copy of this order be sent to the court of Ld. Duty MM / Concerned Trial Court as well as Jail Superintendent.

Copy of this order be uploaded on the official website immediately.

File be consigned to Record Room.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/21.07.2020 (K)

FIR No.407/20

PS ODRS

U/s 379/411/413 IPC

State Vs. Nizam Sheikh

21.07.2020

At 03.20 P.M.

Fresh bail application u/s 439 Cr.PC filed. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl PP for the State.

IO ASI Sukhpal (No. 31Rly) from PS ODRS is present.

Sh. Shami Sudhakar, Ld. Counsel for the applicant/accused Nizam Sheikh

Proceedings conducted through Video conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has been sent in by the IO concerned.

Part Submissions heard.

FIR No.407/20

PS ODRS

Ld. Addl. PP for the State seeks adjournment for clarifying as to why Section 413 CrPC has been invoked against the applicant/accused.

At request of Ld. Addl.PP for the State, put up on **22/07/2020.**

(LOVLEEN)

PO MACT-02 (CENTRAL)

DELHI/21.07.2020 (K)

FIR No. 256/19
PS Lahori Gate
U/s 406/420 IPC
State Vs. Tarun Kumar

21.07.2020

At 3.30 P.M.

Fresh bail application u/s 438 Cr.PC filed. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl PP for the State.

Sh.Deepak Prakash, Ld. Counsel for the applicant/accused Tarun Kumar.

Proceedings conducted through Video conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

IO is not present. His presence is required for hearing in this bail application due to complexity of the facts.

In the circumstances, matter stands adjourned for **23/07/2020**. IO be informed telephonically to remain present on the NDOH.

Copy of this order be uploaded on the official website immediately.

(LOVLEEN)

PO MACT-02 (CENTRAL)

DELHI/21.07.2020 (K)