

Bail Appl. No. 1040/2020
FIR No. 210/2020
PS : Sarai Rohilla
U/s : 186/353/307/34 IPC & 27/54 Arms Act
State Vs. Mohd. Umar

31.08.2020
At 12:30 PM

Fresh application U/s 438 CrPC has been moved on behalf of the applicant/ accused for grant of anticipatory bail. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Manu Minocha, Ld. Counsel for the applicant/ accused.
IO SI Pushpender Saroha, (No. D-5003, PS Sarai Rohilla) is present.
The matter has been taken up 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 sent in by the IO has been perused. Submissions heard.

Be put up at 4 pm for orders.

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: 2 : **FIR No. 210/2020**

PS : Sarai Rohilla
U/s : 186/353/307/34 IPC & 27/54 Arms Act
State Vs. Mohd. Umar

31.08.2020

At 4 pm.

ORDER ON THE APPLICATION U/s 438 CrPC MOVED ON BEHALF OF THE APPLICANT/ ACCUSED MOHD. UMAR FOR GRANT OF ANTICIPATORY BAIL

Present : None.

Matter is fixed for orders.

Brief facts, as per the present FIR, are that on 10/06/2020 complainant SI Pankaj Thakran was on duty as Incharge Police Post Inderlok (within the jurisdiction of PS Sarai Rohilla). At around 8:30 pm, one person named Kale came to the police post and informed the complainant that Mohseen, Sadiqeen, Salman, Naved @ Pilla and others beat him and looted articles from his shop. The complainant sent his staff to fetch Sadiqeen and others to the police post. In a short while, the police personnel brought Sadkeen to the police post. They were followed by Mohseen, Salman, Naved @ Pilla and others to the police post. All of them started using abusive language. The complainant tried to pacify them but all in vain. Naved @ Pilla was reportedly having a gun in his hand and other persons accompanying him were

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FIR No. 210/2020
PS : Sarai Rohilla
State Vs. Mohd. Umar

armed with Lathis and Sticks. The complainant managed to get all these people out of the police post but they started pelting stones. One of the stones struck the head of the complainant. The complainant fired one round from his service pistol in his defence. In response, Naved @ Pilla also fired a round. The complainant felt that situation was aggravating. Accordingly, he handed over his service pistol to a constable and went inside to fetch one AK 47 (Rifle) from the Police Post. The said persons then ran towards a Gali (lane) from where some shots were fired. The complainant requisitioned some more police personnel from the police station. The complainant then got registered the present FIR claiming that Mohseen, Sadiqeen, Salman and others attacked the police post and to have caused hurt to the police officials in order to prevent them from discharging their official duties.

Ld. Counsel for the applicant/ accused submitted, at the very outset, that the applicant/ accused is totally innocent, is not named in the FIR and does not have any criminal antecedents. Ld. Counsel submitted that the police is trying to implicate the applicant/ accused on account of the fact that some criminal cases are pending against his family members. Ld. Counsel further submitted that the applicant/ accused is an innocent young man aged

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FIR No. 210/2020
PS : Sarai Rohilla
State Vs. Mohd. Umar

about 25 years and he was not present in the area at the relevant time. Ld. Counsel lastly submitted that if the present application is rejected, then there is a chance that the applicant/ accused would get exposed to the world of crime. Ld. Counsel prayed that the life and liberty of the applicant/ accused may be preserved by affording him protection from arrest. Ld. Counsel accordingly made a prayer for grant of anticipatory bail to the applicant/ accused.

Ld. APP for the state opposes the prayer of the bail of the applicant/ accused. IO has reported that the applicant/ accused was identified by the witnesses as one of the members of the mob which attacked the police post at the relevant time and the statements of said witnesses have already been recorded in this regard. It has been further reported that the applicant/ accused is evading arrest and accordingly process u/s 82 CrPC has already been issued by the court of Ld. MM for 31.08.2020 (i.e. today).

In rebuttal, Ld. Counsel for the applicant/ accused submitted that the report filed by the IO clearly reflects falsity in the allegations leveled, as the same is bereft of the details regarding the act and conduct of the applicant/ accused before, during and after the commission of alleged offence. Ld. Counsel accordingly reiterated his prayer for grant of anticipatory bail.

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**FIR No. 210/2020
PS : Sarai Rohilla
State Vs. Mohd. Umar**

This court has considered the rival submissions. IO has reported orally today that the applicant/ accused is not visible in the video footage of the incident as is available with the police. However, IO has further reported that the availability/presence of the applicant/ accused in the mob which attacked the police post at the relevant time has been reported and acknowledged by the witnesses. Investigation is still going on. Admittedly, applicant/accused has not joined investigation till date & process U/s 82 CrPC has already been issued against him. IN view of the facts and circumstances as well as in view of the gravity and seriousness of the allegations, this Court is not inclined to grant anticipatory bail to the applicant/ accused **Mohd. Umar**. The present application stands dismissed. File be consigned to record room, as per rules.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)**

FIR No. 180/19
PS : Rajinder Nagar
U/s : 498A/406/34 IPC

Krishna Sharma @ Krishna Devi Vs State (Bail Appl. No. 819/2020)
Rajeev Sharma Vs State (Bail Appl. No. 818/2020)
Ashok Kumar Sharma Vs State (Bail Appl. No. 814/2020)

31.08.2020

At 11:35 AM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Ashu Bhatia, Ld. Counsel for the applicant/ accused.
Complainant with Ld. Counsel Sh. Jaikush Hoon.
IO SI Vinod, (No. 2828D, PS Rajinder Nagar) is present.

The matter has been taken up 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.

At the request of the Ld. Counsel for the applicant/ accused, matter stands adjourned for **14.09.2020**.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)

Bail Appl. No. 692/2020
FIR No. 251/19
PS : Prasad Nagar
U/s : 201/304 IPC & Sec. 23/25/25 DMC Act
State Vs. Amrit Kundra@ Sonu

31.08.2020

At 11:15 AM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Uma Shankar Gautam, Ld. Counsel for the applicant/
accused.
Sh. Gajender Chauhan, Ld. Counsel for the complainant.
IO SI Bhawani Singh Shekhawat, (No. D-5462, PS Prasad
Nagar) is present.
The matter has been taken up 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.

Heard. In view of the directions and observations of the Hon'ble
High Court of Delhi in the **order dated 24.08.2020 vide W.P.(C) No.3037/2020**
titled as COURT ON ITS OWN MOTION Vs. STATE & ORS., the interim bail
granted to the applicant/ accused is extended till **29.10.2020**.

Be put up again on **29.10.2020**.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)

Bail Appl. No. 33/2020
FIR No. 377/18
PS : Prasad Nagar
U/s : 406/420/468/471/120B IPC
Dhirender Kumar Yadav @ Tinku Yadav Vs. State

31.08.2020
At 11:18 AM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Karnail Singh, Ld. Counsel for the applicant/ accused.
The matter has been taken up 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.

The applicant/ accused was admitted to interim bail vide order dated 18.01.2020, which was extended on different occasions vide different orders. Lastly, the interim bail granted to the applicant/ accused was extended vide order dated 31.07.2020 vide which the interim bail of the applicant/ accused was extended till today i.e. 31.08.2020.

In view of the directions and observations of the Hon'ble High Court of Delhi in the **order dated 24.08.2020 vide W.P.(C) No.3037/2020 titled as COURT ON ITS OWN MOTION Vs. STATE & ORS.**, the interim bail granted to the applicant/ accused is extended till **29.10.2020**.

Be put up again on **29.10.2020**.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)

Bail Appl. No. 647/2020
FIR No. 34/2020
PS : Prasad Nagar
U/s : 376 IPC
State Vs. Sagar @ Hemant

31.08.2020

At 2:30 PM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Sher Singh, Ld. Counsel for the applicant/ accused.
IO W/SI Pinki, (No. 3215/D, PS Prasad Nagar) is present.
The matter has been taken up 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 filed today has been perused. Oral submissions heard.

First application for anticipatory bail was moved on behalf of the applicant/ accused in February 2020. Interim protection was granted to the applicant/ accused in the present FIR on 11.02.2020 by the Ld. ASJ on duty. Vide the said order, it was directed that the police shall not take any coercive action against the applicant/ accused till 02.03.2020. On 02.03.2020, the matter was adjourned for 27.03.2020. Interim protection was continued. Subsequently, the interim protection granted to the applicant/ accused was extended till 20.05.2020. On 20.05.2020, none appeared on behalf of the applicant/ accused due to "Lockdown" and accordingly, the bail application was dismissed.

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State Vs. Sagar @ Hemant

Thereafter, this second bail application was moved on behalf of the applicant/ accused. Vide order dated 04.07.2020, the Ld. ASJ on duty again revived the order dated 11.02.2020 and extended it till 17.07.2020. The said order granting interim protection was extended till today.

Today, it has been reported by the IO that charge-sheet has already been filed in the court of Ld. MM. A copy of charge-sheet has been transmitted to this Court by the IO. This Court has perused the charge-sheet also.

Perusal of the FIR and statement U/s 164 CrPC of the prosecutrix reveals that she was allegedly pulled in inside a car by the applicant/ accused with the help of his associate at the relevant time. The associate of the applicant/ accused was holding the hands and mouth of the prosecutrix and the applicant/ accused pulled down the leggings of the prosecutrix and touched his private part to the private part of the prosecutrix. Prosecutrix further narrated that the applicant/ accused tried to "penetrate", but threw her out of the car when he heard the siren of PCR. The prosecutrix got the present FIR registered, but she refused to undergo medical examination.

It seems from the statements of the prosecutrix that "Penetration" did not take place.

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**FIR No. 34/2020
State Vs. Sagar @ Hemant**

Without going into the merits of this case and in view of the fact that the applicant/ accused joined the investigation as well as the fact that the charge-sheet has already been filed and in view of the submissions/ observations recorded in the order dated 11.02.2020, this Court finds it appropriate to pass a formal order in favour of the applicant/ accused granting anticipatory bail as no purpose would be served by detaining him in custody. Moreover, the spread of COVID-19 still continues unabated. Accordingly, it is directed that in the event of arrest, the applicant/ accused **Sagar @ Hemant** be admitted to bail in a sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned. However, it is directed that the applicant/ accused shall join the investigation as and when so directed by the IO/ SHO concerned, shall not tamper the witnesses, shall not abscond and shall keep the IO/ SHO informed about any change in his residence henceforth. None of the above observation shall not shadow on the merits of this case. With the above observations, the anticipatory bail application stands disposed of.

File be consigned to record room, as per rules.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)**

**Bail Appl. No. 1041/2020
FIR No. 239/2020
PS : Lahori Gate
U/s : 379/411 IPC
State Vs. Vicky**

**31.08.2020
At 11:30 AM**

Fresh application for correction of the order dated 26.08.2020 passed by first Link Judge Sh. Satish Kumar, Ld. Special Judge, FTC-02, Central, THC, Delhi. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Pradeep Kumar, Ld. Counsel for the applicant/ accused.
The matter has been taken up through Video Conferencing by means of Webex Meet.**

The present 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.

Record perused. Vide order dated 26.08.2020, the court of Ld. Link ASJ disposed of the bail application filed on behalf of the applicant/ accused Vicky. Vide the said order, it was directed to the Jail Superintendent concerned that the said applicant/ accused be admitted to interim bail on furnishing personal bond in a sum of Rs. 5,000/-.

It seems that the present application has been moved on the ground that the Jail Superintendent concerned has raised an objection as to the absence of number of days for which the applicant/ accused has been admitted to interim bail.

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State Vs. Vicky

In view of the directions mentioned in the Minutes of Meeting of the High Powered Committee issued by the Hon'ble High Court of Delhi, it is directed that the order dated 26.08.2020 is hereby modified to the extent that the applicant/ accused Vicky be admitted to interim bail for a period of **45 days** only, whereafter he shall surrender before the Jail Superintendent concerned. With this observation, the present application stands disposed of accordingly. A copy of this order be sent to the Jail Superintendent concerned for necessary information and compliance. It is further directed that the applicant/ accused may be duly informed about the period of 45 days. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

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Delhi/31/08/2020(k)

**Bail Appl. No. 1039/2020
FIR No. 139/14
PS : Hauz Qazi
U/s : 392/34/174A IPC
State Vs. Bharat @ Mirchi**

31.08.2020

At 11:40 AM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Lokesh Kumar Garg, Ld. Counsel for the applicant/
accused.
IO HC Mahesh, (No. D-152/C, PS Hauz Qazi) is present.
The matter has been taken up 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 SHO concerned.

Let TCR be called/ summoned for the next date of hearing.

Be put up again on **11.09.2020**

A copy of this order be uploaded on the official website of Delhi

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**Bail Appl. No. 387/2020
FIR No. 255/19
PS : Prasad Nagar
U/s : 420/406/120B IPC
State Vs. Shubham Dubey**

**31.08.2020
At 11:05 AM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Ms. Tanya Bhatia, Ld. Counsel for the applicant/ accused.
Sh. Navin Gupta, Ld. Counsel for the complainant.
IO SI Ranvir, PS Rajinder Nagar is present.
The matter has been taken up 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 sent in by the IO has been perused. Submissions heard.
Be put up at 4 pm for orders.

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**FIR No. 255/19
PS : Prasad Nagar
U/s : 420/406/120B IPC
State Vs. Shubham Dubey**

31.08.2020

At 4 pm.

**ORDER ON THE APPLICATION U/s 439 CrPC MOVED ON BEHALF OF THE
APPLICANT/ ACCUSED SHUBHAM DUBEY**

Present : None.

Matter is fixed for orders.

Brief facts, as per the present FIR, are that the complainant and his wife were interested in purchasing an immovable property in south Delhi in the name of Mrs. Anju Gupta (wife of the complainant). The complainant was introduced to accused Amresh Mishra by one Vishnu Bhagat. Accused Amresh Mishra helped the complainant to zero-in upon the property belonging to one Shubham Dubey (Present applicant). Complainant was assured that the said property is free from all encumbrances. On the assurances given by the co-accused Amresh Mishra as well as applicant/accused Shubham Dubey, a deal was struck between the parties for purchase of said property for a sum of Rs. 1.35 Crores and an Agreement to Sell was duly executed between applicant/accused Shubham Dubey and complainant's wife Mrs. Anju

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**FIR No.255 /19
PS : Prasad Nagar
U/S : 420/406/120-B IPC
State Vs. Shubham Dubey**

Gupta. With mutual consent, 22.08.2019 was fixed as the day for execution of Sale Deed in favour of Mrs. Anju Gupta by the applicant/accused Shubham Dubey at the office of Sub-Registrar, Mehrauli, Delhi. Draft sale deed was also approved by the parties and Stamp papers worth Rs. 5,40,000/- were duly purchased by Mrs. Anju Gupta. However, no sale deed could be executed on 22.08.2019 due to some exigency shown by applicant/accused Shubham Dubey. Thereafter, with mutual consent, the day falling on 03.09.2019 was fixed for execution of the sale deed. On 03.09.2019, applicant/accused Shubham Dubey came to the office of Sub-Registrar alongwith co-accused Vikramjeet Sheriya and requested the complainant to transfer the consideration amount in his bank before the execution of sale deed. A sum of Rs. 1.33 Crores approximately was transferred from the bank account of Mrs. Anju Gupta to the bank account of applicant/accused Shubham Dubey. Thereafter, the applicant/accused Shubham Dubey and said Vikramjeet Sheriya vanished from the office of Sub-Registrar without executing any sale deed. Complainant alleges that the applicant/accused Amresh Mishra still assured him that either he would get the

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FIR No.255 /19
PS : Prasad Nagar
U/S : 420/406/120-B IPC
State Vs. Shubham Dubey

property transferred in favour of Mrs. Anju Gupta or he would facilitate the return of the amount paid to applicant/accused Shubham Dubey. Complainant alleges that the applicant/ accused merely gained time by assuring transfer of property or return of their money. It is alleged that the co-accused Amresh Mishra is in fact the main accused who has played fraud upon the complainant and his wife with his accomplices namely applicant/accused Shubham Dubey and one Vikramjeet Sheriya.

Ld. Counsel for the applicant/ accused submitted, at the very outset, that without prejudice to his rights and contentions, the applicant/ accused Shubham Dubey is ready and willing to deposit an amount of Rs. 10 Lakhs with this Court in order to show his bonafides. Ld. Counsel further submitted that the complainant Sanjay Gupta is involved in a civil litigation with the present applicant/ accused but he is trying to give a criminal hue to the said civil litigation. Ld. Counsel further submitted that the applicant/ accused filed a complaint against co-accused Amresh Mishra in the police station concerned prior to the registration of the present FIR. Ld. Counsel further submitted that the applicant/ accused was granted interim protection by the Court of Dr. Kamini Lau, Ld. ASJ, Delhi in Feb, 2020. Ld. Counsel further submitted that she has already moved an application for preserving and obtaining the call details record of the applicant/ accused in order to prove that the applicant/ accused is

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FIR No. 255/19
PS : Prasad Nagar
State Vs. Shubham Dubey

innocent and has had no dealing with the complainant. She prays for grant of anticipatory bail.

Ld Addl. PP opposes prayer for grant of bail. Ld. Counsel for the complainant submitted that the applicant/ accused is the registered owner of the property, which was proposed to be sold to the complainant. Ld. Counsel further submitted that all the money was transferred in advance into the bank account of the present applicant/ accused in pursuance of the sale transaction with respect to the abovesaid property. Ld. Counsel further submitted that the applicant/ accused has transferred the respective shares of the ill-gotten money to the co-accused Amresh Mishra and Vikramjeet Sheriya from the said account. Ld. Counsel further submitted that the applicant/ accused is involved in multiple cases of cheating wherein he has adopted a similar *modus-operandi*. Ld. Counsel lastly submitted that the applicant/ accused kept the complainant in dark about the fact that the property in question was already mortgaged with a bank and the bank had classified the said loan as an "NPA". Ld. Counsel for the complainant vehemently opposed the submission made on behalf of the applicant/ accused to the effect that the interim order was passed in favour of the applicant/ accused in February 2020. He states that no such order was ever passed.

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**FIR No. 255/19
PS : Prasad Nagar
State Vs. Shubham Dubey**

On a query by this Court, IO has reported orally that no complaint was ever filed by the present applicant/ accused with respect to the present transaction. He clarified that one such complaint was filed by co-accused Amresh Mishra but the same was an attempt to mislead the police and was therefore "filed". IO further clarified that he is not aware of any order passed by the Court of Ld. MM with respect to the application moved by the applicant/ accused seeking preservation of the call details record. IO further states that applicant/accused has transferred some of the cheated amount into the account of daughter of co-accused Amresh Mishra.

This Court has considered the rival submissions. IO has reported today that custodial interrogation of the applicant/ accused is required to unearth conspiracy, to recover the cheated amount, to recover the vehicle purchased out of the cheated amount and to apprehend other associates of the applicant/ accused. Given the factual position (as mentioned in the beginning of this order) and the subsequent events, as reported by the IO in his reply today, it seems that custodial interrogation of the applicant/ accused is necessary in

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FIR No. 255/19
PS : Prasad Nagar
State Vs. Shubham Dubey

the present matter. Accordingly, I am not inclined to grant anticipatory bail to the applicant/ accused **Shubham Dubey**. application stands dismissed. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)

FIR No. 292/2018
PS : Karol Bagh
U/s : 498A/406/34 IPC
State Vs. Sandip Haldar (Bail Appl. No. 1042/2020)
State Vs. Shipra Haldar (Bail Appl. No. 1043/2020)

31.08.2020
At 2:05 PM

Fresh applications U/s 438 CrPC have been moved on behalf of the applicants/ accused persons for grant of anticipatory bail. Both be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Sanjeev Kumar, Ld. Counsel for the applicant/ accused.
Complainant alongwith Ld. Counsel Sh. Manoj Goswami.
IO ASI Bimla, (No. D-2222/C, PS Karol Bagh) is present.
The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail applications have 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 sent in by the IO has been perused. Submissions heard.

Be put up at 4 pm for orders.

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PO-MACT-02(Central),
Delhi/31/08/2020(k)

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**FIR No. 292/2018
PS : Karol Bagh
U/s : 498A/406/34 IPC
State Vs. Sandip Haldar
State Vs. Shipra Haldar**

31.08.2020

At 4 pm.

**ORDER ON THE SEPARATE APPLICATIONS U/s 438 CrPC MOVED ON
BEHALF OF THE APPLICANT/ ACCUSED SANDIP HALDAR AND SHIPRA
HALDAR FOR GRANT OF ANTICIPATORY BAIL**

Present : None.

Matter is fixed for orders.

Briefly stated, the complainant alleges submissions of offences punishable U/s 498A/406 IPC against her in-laws i.e. Sandeep Kumar Haldar(Husband), Santosh Kumar Haldar(Father-in-law) and Shipra Haldar (Mother-in-law) vide the present FIR. The complainant has narrated the instances about the sequences of events which pushed her to get the present FIR registered. The allegations leveled by the complainant are primarily about the alleged dowry demands made by her in-laws at different times between the date of her marriage and the date when she left her matrimonial home.

Ld. Counsel for the applicant/ accused submitted that all the allegations leveled in the present FIR are false and fabricated. At the very outset, Ld. Counsel has pointed out that the falsity in the allegations could be

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adjudged from the fact that the complainant has referred to an incident dated 31.11.2015 when the applicant/ accused Shipra Haldar allegedly took away the jewellery, money, cloths and other articles belonging to the complainant. Ld. Counsel submitted that the said date (i.e. 31.11.2015), does not exist in the English calendar followed in this country. Ld. Counsel further referred to photographs at Annexures A-3 and A-4 which reflect that Complainant is wearing jewellery and submitted that all the jewellery is in the custody of the complainant since the month of December, 2015 when the said photographs were clicked/ taken during family function. Ld. Counsel further submitted that immediately afterwards the complainant left India for Finland alongwith the applicant/ accused Sandip Haldar. Ld. Counsel accordingly submitted that there was no occasion for the applicant/ accused Shipra Haldar to take away the jewellery and other articles belonging to the complainant as the complainant flew out of India with her husband (i.e. applicant/ accused Sandip Haldar).

Ld. Counsel has further referred to an incident dated 03.01.2016 mentioned in the present FIR wherein the complainant was allegedly turned out of her home in Finland by the applicant/ accused Sandip Haldar and has stated that on the said date, the applicant/ accused Sandip Haldar and the

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State Vs. Sandip Haldar
State Vs. Shipra Haldar**

complainant were on a holiday together in Estonia. Ld. Counsel has referred to photographs and the hotel bookings of the relevant period in order to buttress his submissions. Ld. Counsel again submitted that the complainant is concocting false stories.

Ld. Counsel further submitted that no demand for dowry was ever made by either of the applicants/ accused persons. Ld. Counsel further submitted that all the allegations leveled by the complainant have been duly addressed and dealt with by the applicants/ accused persons in writing through a representation which was duly submitted to the IO. Ld. Counsel has referred to the said submissions in the form of representation and has again submitted that the same reflect that all the allegations leveled by the complainant are false and fabricated. Ld. Counsel further submitted that the applicants/accused persons are duly appearing in a petition filed by the complainant under DV Act and were unaware about the registration of present FIR. Ld. Counsel further submitted that had the applicants/ accused persons been aware of the present FIR, they would have joined the investigation much earlier. Ld. Counsel further submitted that one notice to join the investigation was received before

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Lockdown and the applicants/ accused persons could not join the investigation on account of the prevailing circumstances. Ld. Counsel submitted that the applicants/ accused persons are ready and willing to join the investigation and they may be afforded an opportunity to do so. Ld. Counsel further submitted that the applicants/ accused persons have already booked train's ticket for travelling from Kolkatta to Delhi and they are likely to arrive in Delhi on 17.08.2020 or 18.08.2020 subject to the operations/movement of Railways. Ld. Counsel accordingly prays for grant of appropriate relief.

Ld. APP for the state opposes the prayer for grant of anticipatory bail to the applicants/ accused persons. Ld. Counsel for the complainant has opposed the prayer and has submitted that the applicants/ accused persons are deliberately delaying the investigation in the present FIR. He also submitted that he shall take steps for appointment of a new IO in the present case. He further submitted that till date, neither the jewellery nor the other articles belonging to the complainant were handed back to her by the accused persons nor the same have been recovered and seized by the police.

This Court has considered the rival submissions. Perusal of the report filed by the IO reveals that the applicants/ accused persons have not

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joined investigation till date. Upon a query by this Court, IO has replied that she is yet to seek permission to arrest the accused persons. She further submitted that she will decide whether to seek the permission to arrest the applicants/ accused persons only after they join the investigation. In these circumstances, the applicants/ accused persons could not assume any apprehension of arrest in the present matter. However, since the Ld. Counsel for the applicants/ accused persons submitted that some protection may be afforded to the applicants/ accused persons so that they may move for appropriate court U/s 438 CrPC if circumstances so require, therefore, it is directed that the Police Authorities shall serve a notice at least 04 days in advance before effecting the arrest of the applicants/ accused persons **Sandip Haldar and Shipra Haldar** in the present FIR. However, it is clarified to the applicants/ accused persons that they shall positively join the investigation as and when so required by the IO. With the above observations, the present applications stand disposed of accordingly.

A copy of this order be placed in respective files of the both applications. Files be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

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(LOVLEEN)
PO-MACT-02(Central),
Delhi/31/08/2020(k)

Bail Appl. No. 1029/2020
FIR No. 141/2020
PS : Kamla Market
U/s : 379/411/34 IPC
State Vs. Tulsi

31.08.2020

At 11:50 AM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. C.B. Garg, Ld. Counsel for the applicant/ accused.
IO SI Mahesh Bhargava (No. D-4102, PS Kamla Market) is
present.
The matter has been taken up 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.

Record perused. Submissions heard.

Vide the present application, the applicant/ accused Tulsi seeks interim bail on the ground that the marriage of the daughter of the applicant/ accused is fixed for 01.09.2020 (i.e. tomorrow). IO has filed a report affirming the factum of marriage of the daughter of the applicant/ accused on 01.09.2020.

In the facts and circumstances, the applicant/ accused **Tulsi** is admitted to interim bail till **11.09.2020** on furnishing a bail bond in a sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent concerned. Applicant/ accused shall surrender on 12.09.2020 before Jail Superintendent concerned. Jail Superintendent concerned shall keep this court informed about the due compliance of this order.

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FIR No. 141/2020

State Vs. Tulsi

Application stands disposed of. A copy of this order be sent/transmitted to the Jail Superintendent concerned for necessary information and compliance.

A copy of this order be uploaded on the official website of Delhi District Courts.

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PO-MACT-02(Central),
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