

State Vs. Anis Yadav

FIR No: 07/2017

Under Section: 302/307/328/120B/34 IPC

PS:Sadar Bazar

14.07.2020

Through video conferencing

received. Fresh application for grant of interim bail of accused/applicant

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Manish Kumar Singh, Ld. Counsel for applicant/accused.

Report of IO received. Copy already supplied to other side electronically.

Ld. Counsel for accused/applicant submits that he is seeking interim bail of accused/applicant on the ground that his case is covered under the guidelines laid down by High Powered Committee vide minutes dated 18.05.2020.

It is further argued that presence of accused is required for taking care of his ailing mother who is unable to maintain herself during this pandemic period. It is argued that co-accused Prem Singh has already been granted bail by this court vide order dated 23.06.2020 and therefore, accused also deserves to be granted bail on the ground of parity in the facts and circumstances of the present case.

Heard. Considered.

As per applicant himself, he is involved in FIR no. 691/2016 PS Sangam Vihar. Therefore, it is evident that his case is not covered under the guidelines of High Powered Committee vide minutes dated 18.05.2020. Mere recording of compromise (before mediation cell) in the said FIR is hardly of any consequences as any judicial pronouncement qua fate of said FIR is yet to come.

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Record further reveals that accused was already granted interim bail for 15 days by Hon'ble High Court vide its order dated 22.06.2020 for taking care of his ailing mother, therefore, he can not be permitted to remain on interim bail time and again on similar ground. Even otherwise, the reasons cited by accused for grant of interim bail does not disclose good grounds to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like 'right to maintain and take care of one's family' .

Further, accused cannot claim interim bail on the ground of parity as it is evident from the order dated 23.06.2020 (whereby co-accused Prem Singh was granted interim bail) that his case is different *viz-a-viz* co-accused Prem as latter did not have previous involvement whereas former has. Therefore, no question of parity arises in the instant application.

In the matter of *Ather Parvez Vs. State (Crl. Ref. No. 01/2015 Date of decision 26.02.2016)*, it has been observed by Hon'ble Delhi High Court that:

"....The trial of the appellate courts after conviction are entitled to grant "interim bail" to the accused/convict when exceptional and extra-ordinary circumstances would justify this indulgence. The power is to be sparingly used, when intolerable grief and suffering in the given facts may justify temporary release..."

It is a settled principle of law that interim bail can only be granted in exceptional circumstances. In the instant application, there are no exceptional circumstances to release the applicant/accused on interim bail. The accused has been charge sheeted for commission of very serious offences. Therefore, in the said facts and circumstances, I am not inclined to grant interim bail to accused Anish Yadav. **Hence, interim bail application of Anish Yadav is hereby dismissed.**

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Copy of the order be given dasti through e-mail, if requested. Copy of the order be sent to concerned jail superintendent for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
14.07.2020

State Vs. Afzal Ali

FIR No: 216/14

Under Section: 419/468/420/471/370/306/120B IPC

PS: Hauz Qazi

14.07.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. M.A Qureshi, Ld. Counsel for accused/applicant.

Report from concerned jail superintendent received. Copy supplied. As per same, accused has already been released on bail from jail on 10.07.2020.

In view of same, present application has become infructuous and stands disposed off accordingly.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
14.07.2020

State Vs. Dilip Shahi

FIR No: 455/14

Under Section: 394/308/302/34 IPC & 25/27 Arms Act

PS: Kotwali

14.07.2020

Through video conferencing

Fresh application for extension of interim bail received.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Pankaj Kandpal, Ld. Counsel for accused/applicant.

The applicant is seeking extension of interim bail, granted to him vide order dated 03.06.2020 by Ld. ASJ (on duty) in view of guidelines laid down by High Powered Committee.

However, in terms of the directions dated 22.06.2020 of Hon'ble High Court in W.P.(C) 3080/2020, Court on its own motion Vs. Govt. of NCT of Delhi & anr, the interim bail of all such applicants have already been extended by Hon'ble High Court vide a common order for a further period of 45 days. Therefore, there is no requirement of filing the present application.

The application stands disposed off accordingly.

Copy of this order be sent to concerned Jail Superintendent for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
14.07.2020

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State Vs. Yogesh @ Takkal

FIR No: 423/15

Under Section: 302/201/34 IPC

PS: Prasad Nagar

14.07.2020

Through video conferencing

Fresh Application for grant of interim bail of accused/applicant Yogesh @ Takkal received.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Vineet Jain, Ld. Counsel for accused/applicant.

Report of IO received. Copy of same has already been supplied to other side electronically.

Ld. Counsel for accused/applicant is seeking interim bail for one month for taking care of his family consisting of his aged mother, wife and minor daughter. It is argued that wife of accused/applicant has suffered an injury on her leg and accordingly a plaster has been put there and she has been advised bed rest for 13 days.

As per the report of IO, the mother and brother of accused are there in his family to take care of his wife. The report of IO further reveals that accused is involved in number of cases and has also been convicted in two such cases. It is further reported by IO that accused is 'bad character' of the concerend area.

Since, brother of accused is already there to take care of his wife and aged mother, therefore, accused cannot be granted interim bail on said ground. Even otherwise, the said reason does not disclose good grounds to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like' right to maintain and take care of one's family'.

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In the matter of Ather Parvez Vs. State (Crl. Ref. No. 01/2015 Date of decision 26.02.2016), it has been observed by Hon'ble Delhi High Court that:

"....The trial of the appellate courts after conviction are entitled to grant "interim bail" to the accused/convict when exceptional and extra-ordinary circumstances would justify this indulgence. The power is to be sparingly used, when intolerable grief and suffering in the given facts may justify temporary release..."

It is a settled principle of law that interim bail can only be granted in exceptional circumstances. In the instant application, there are no exceptional circumstances to release the applicant/accused on interim bail. The accused has been charge sheeted for commission of very serious offences. Further, considering the antecedent of accused, I am of the view that he may commit the similar offence, if enlarged of interim bail.

Therefore, in the said facts and circumstances, I am not inclined to grant interim bail to accused Yogesh @ Takkal. Hence, interim bail application of Yogesh @ Takkal is hereby dismissed.

Copy of the order be given dasti through e-mail, if requested. Copy of the order be sent to concerned jail superintendent for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
14.07.2020

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State Vs. Santosh Gupta

FIR No: 160/13

Under Section: 365/302/120-B IPC

PS: New Delhi Rly Station

14.07.2020

Through video conferencing

An application for change of surety moved on behalf of accused/applicant received.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Vikas Jain, Ld. Counsel for accused/applicant.

This is an application moved on behalf of accused/applicant for change of his surety.

At request, put up for furnishing of fresh surety bond on

15.07.2020

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi

14.07.2020

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State Vs. Lootan Yadav

FIR No: 117/17

Under Section: 302/34 IPC

PS: Daryaganj

14.07.2020

Through video conferencing

Application received by way of transfer.

Present: Sh. Alok Saxena, Ld. APP for the State.

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

This is an application moved on behalf of applicant/accused for extension of interim bail of accused/applicant.

Perusal of record reveals that similar application (moved by different counsel) has already been disposed off vide order dated 13.07.2020 of this court. On query, Ld. Counsel has failed to satisfy this court about his authorization to appear in the instant matter.

Present application stands dismissed being non-maintainable.

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi

14.07.2020

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