

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Naresh Kumar Vs. State

FIR No. : 531/2019

PS : Ranhola

U/s : 451/376/506/34 IPC 6 POCSO Act & 9/10 of
Prohibition of child Marriage Act

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Vishal Vimal, Ld. Counsel for applicant/accused.
IO SI Anu in person.

IO submits that she has issued notice to the victim, however, since area where she resides is under containment zone therefore victim could not join the proceedings.

Put up on 10.06.2020. IO is bound down. The IO may inform the victim / her lawyer, who may join the proceedings through CISCO Webex.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Vinay @ Vicky Vs. State
FIR No. : 65/2016
PS : Uttam Nagar

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Praveen Kumar Singh, Ld. Counsel for applicant/
accused through CISCO Webex.

Ld. Counsel for accused submits that the present bail application may kindly be dismissed as withdrawn as he is covered under guidelines framed by Hon'ble High Court. He is directed to send an email.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

Present : None.

Email has been received from Mr. Praveen Kumar Singh, Advocate. Print out of which has been placed on record. In view of the said email present bail application stands dismissed as withdrawn with liberty as prayed.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. : 243/2018
State Vs. Nakul Abrol
P.S.: Kirti Nagar
U/s : 307/452/394/397/411 IPC

04.06.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. Deepak Shamra, Ld. Counsel for the
applicant/accused.

This is an application seeking extension of interim
bail. Reply received. Medical documents of the
accused/applicant remains unverified.

Ld. Counsel for the accused/applicant submits that
accused was released on interim bail on 21.04.2020 and he has
to surrender on 05.06.2020. He submits that doctors have
advised him surgery but due to lock down surgery cannot be
performed and therefore, some more time be granted.

Considering the facts interim bail is extended for the
period of 30 days from 05.06.2020. Application is disposed off
accordingly. Copy of order be given dasti. Intimation be sent to
the Jail Superintendent.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. 435/2018
State Vs. Rakesh
P.S.: Mundka
U/s : 376/374/506/365 IPC & 4 of POCSO Act

04.06.2020

The hearing of the present application took place through
Whats app Video Call.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. Bhanu Kathpalia, Ld. Counsel for the
applicant/accused(through whats app video call).
IO WSI Lalita on behalf of the IO SI Geeta.

Ld. Counsel for the applicant/accused submits that
he is unable to join the proceedings through CISCO Web-ex as
his son is not well and he is taking him to hospital.

At the request of Ld. Counsel for the
applicant/accused, present application is adjourned for

05.06.2020.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Mohd. Hasib Vs. State

FIR No. : 653/2015

PS : Ranhola

U/s : 498/304B/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Sundeshwar Lal, Ld. Counsel for applicant/accused.

After hearing arguments Ld. Counsel for accused seeks liberty to withdraw the present bail application. Statement of the Ld. Counsel for the accused is recorded separately. In view of the statement the present bail application is dismissed as withdrawn. Copy of order be given Dasti to the Ld. Counsel for accused.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

Mohd. Haseeb. Vs. State
FIR No. : 653/2015
PS : Ranhola
U/s : 498/304B/34 IPC

Mr. Sundeshwar Lal, Ld. Counsel for accused, Enrollment no.
D/277/2000.

Without Oath

I may be permitted to withdraw the present bail
application.

RO&AC

~~(ANKUR JAIN)~~
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

Adal
4/6/2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Shabnam Begum Vs. State

FIR No. : 653/2015

PS : Ranhola

U/s : 498/304B/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Sundeshwar Lal, Ld. Counsel for applicant/accused.

After hearing arguments Ld. Counsel for accused seeks liberty to withdraw the present bail application. Statement of the Ld. Counsel for the accused is recorded separately. In view of the statement the present bail application is dismissed as withdrawn. Copy of order be given Dasti to the Ld. Counsel for accused.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

Shabnam Begum Vs. State

FIR No. : 653/2015

PS : Ranhola

U/s : 498/304B/34 IPC

Mr. Sundeshwar Lal, Ld. Counsel for accused, Enrollment no.
D/277/2000.

Without Oath

I may be permitted to withdraw the present bail
application.

RO&AC

~~(ANKUR JAIN)~~

~~ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020~~

Deal
4/6/2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Jitender @ Bata & Anr. Vs. State
FIR No. : 145/19
PS : Mundka
U/s : 365/394/397/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Hari Kishan, Ld. Counsel for applicant/accused
through CISCO Webex.

Notice has been issued, however, file has not been
produced. Let fresh notice be issued to Ahlmad, through Incharge
bail and filing section, for producing the file.

Put up on 06.06.2020.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. 648/17
State Vs. Sonu Bansal
P.S.: Ranhola
U/s : 302/34 IPC

04.06.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. B.L. Madhukar, Ld. Counsel for the
applicant/accused.

Ld. Counsel for the applicant/accused seeks interim
bail. Report has been filed by the IO, however previous
conviction report reflects the name of some other accused.

In terms of the minutes of meeting dated
18.05.2020 of High Power Commission of Hon'ble High Court of
Delhi let the present application be placed before the court of
Sh. Vishal Singh, Ld. ASJ for 06.06.2020.

Fresh report be called from the IO as well as the
conduct report be called from the Jail Superintendent for the
said date.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Bail Application no. 1050
Praveen & Ors. Vs. State
FIR No. : 166/2020
PS : Ranhola
U/s : 498A/304B/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Jaspreet Singh, Ld. Counsel for applicant/accused
through CISCO Webex.

Ld. Counsel for accused submits that in terms of previous order Praveen has joined the investigation. He submits that he has not received the reply filed by IO. Let the copy of the reply be forwarded through email to Counsel Sh. Jaspreet Singh or through any other electronic mode.

Put up on 22.06.2020. Interim order to continue till then.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Munni Devi Vs. State
FIR No. : 166/2020
PS : Ranhola
U/s : 498A/304B/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Jaspreet Singh, Ld. Counsel for applicant/accused
through CISCO Webex.

Ld. Counsel for accused submits that in terms of previous order Munni Devi has joined the investigation. He submits that he has not received the reply filed by IO. Let the copy of the reply be forwarded through email to Counsel Sh. Jaspreet Singh or through any other electronic mode.

Put up on 22.06.2020. Interim order to continue till then.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

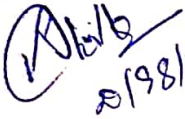
Rahul Sharma @ Mota Vs. State
FIR No. : 636/2019
PS : Nihal Vihar
U/s : 307/34 IPC & 25/27 Arms Act

Mr. Ashish Rohilla, Ld. Counsel for accused, Enrollment no. D/98/09.

Without Oath

I may be permitted to withdraw the present bail application with liberty to file a fresh.

RO&AC


2/98/09

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Rahul Sharma @ Mota Vs. State

FIR No. : 636/2019

PS : Nihal Vihar

U/s : 307/34 IPC & 25/27 Arms Act

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Ashish Rohilla, Ld. Counsel for applicant/ accused.

After hearing arguments Ld. Counsel for accused seeks liberty to withdraw the present bail application. Statement of the Ld. Counsel for the accused is recorded separately. In view of the statement the present bail application is dismissed as withdrawn with liberty to file a fresh. Copy of order be given Dasti to the Ld. Counsel for accused.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. 0021/20
State Vs. Ishrar
P.S.: Anand Parbat
U/s : 377/506 IPC & 6 POCSO Act

04.06.2020

The hearing of the present application took place through
CISCO webex meeting App.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. Ravi Kumar Sharma, Ld. Counsel for the
applicant/accused (through VC).

Reply filed. Arguments heard.

Put up for orders.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

At 1:00 pm.

ORDER :-

This is the first bail application filed by the accused.
The brief facts on the prosecution case are that on the complaint
of 'K' the present FIR was registered who alleged unnatural sex
having been committed by the accused. Ld. Counsel for the
accused has argued that he has three minor sons and a wife

:2:

who are suffering due to present condition prevailing in the country and the complainant has also realized his mistake. It is argued that if this court is not inclined to grant regular bail to the accused at least interim bail be granted.

On the other hand Ld. Addl. PP for the State has opposed the bail application.

I have heard the Ld. Counsel for the accused and Ld. Addl. PP for the state. The allegations against the accused are serious in nature. The victim and the applicant are neighbours. The victim, as per the report of the IO, has supported the case of the prosecution in the statement u/s 164 Cr.P.C.

Considering the facts I do not find any ground to grant bail to the accused. Present bail application stands dismissed. Copy of the order be sent through E-mail.

(Ankur Jain)
ASJ, (SFTC-01) THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Santosh Kumar Vs. State

FIR No. : 59/2020

PS : Kirti Nagar

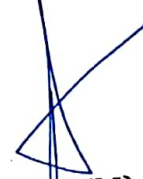
U/s : 308/304/323/506/34 IPC

04.06.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Triloki Pandit, Ld. Counsel for applicant/accused.

Arguments heard.

Put up for orders.



(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

10:30 AM

This is 2nd bail application filed on behalf of accused for grant of bail. The 1st bail application was dismissed on 08.05.2020. The brief facts of the case are that on 29.01.2020 on the statement of Sugreev the present FIR was registered in which he stated that on 28.01.2020 at about 9:30 PM while he was in his jhuggi one boy namely Vicky came in drunken state. He started abusing. The complaint asked him not to do so but he did not stop and called his friends telephonically. When the friends came they started beating



his brother Pradeep and Jitender by wooden rod. During scuffle his brother Pradeep, Jitender and he himself received injury. Injured Pradeep was declared dead on 05.02.2020.

Ld. Counsel for accused submits that there is no incriminating evidence against the accused and he has been arrested on the disclosure statement of the co-accused.

On the other hand, Ld. Addl. PP for State has opposed the bail application.

I have heard Ld. Counsel for accused as well as Ld. Addl. P. P. for State.

The first bail application was dismissed on 08.05.2020. There is no change of circumstances. In any case the applicant has refused to join the TIP proceedings. The accused has inflicted injuries with common intention. Considering the entire facts and circumstances and gravity of offence it is found that accused is not entitled for bail at this stage. Hence the present bail application stands dismissed. Copy of order be given dasti.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

**IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI**

**FIR No. 709/2019
Sanjay Kumar Vs. State
P.S.: Nihal Vihar
U/s : 376/354/354A/506 IPC and 4/8 POCSO Act**

04.06.2020

**The hearing of the present application took place through
CISCO webex meeting App.**

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. Chandan Bhatia, Ld. Counsel for the
applicant/accused (through VC).
Victim with her mother.
IO SI Manisha Yadav in person.
Sh. Bohit Sharma, Ld. Counsel for the complainant
(through VC).

Arguments heard. Put up for orders.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

At 1:05 pm.

ORDER :-

01. The brief facts of the prosecution case are that on 14.10.2019 the above mentioned case was registered on the complaint of the 'R' in which she stated that on 12.10.2019 at

:2:

about 11:12 pm when she was all alone at her home a man named Sanjay who is the neighbour of the victim entered her home on the pretext of cleaning the water tank after getting into the home he forcefully assaulted her and threatened the victim not to disclose this to anyone. During the course of investigation statement of the victim u/s 164 Cr.P.C was recorded. On the statement of the victim accused Sanjay was arrested on 14.10.2019.

02. Ld. Counsel for the accused/applicant has argued that as per the medical examination there is no external injury on the body of the victim. Investigation has not been carried out properly as the IO has failed to seize the bed sheet. The MLC number has been wrongly mentioned in the Rukka. The FIR shows the name of the informant to be the father of the victim, however his statement not not been recorded, thus, it is argued that the applicant should be granted bail.

03. On the other hand Ld. Addl. PP for the State duly assisted by the counsel for the complainant has argued that allegations against the accused are serious. The victim in her testimony u/s 164 Cr.P.C. has clearly supported the case of the prosecution.

04. I have heard the Ld. Counsel for the accused, Ld. Addl. PP for the state and Ld. Counsel for the complainant.

05. The Victim in her statement u/s 164 Cr.P.C. has clearly supported the case of the prosecution. There is no dispute that victim was minor at the time of commission of the



:3:

offence. The fact that MLC number has been wrongly mentioned in the Rukka would not give any benefit to the applicant for grant of bail.

06. Ld. Counsel for the applicant had laid great emphasis that in rukka, IO had given a different version of the statement of the victim. The argument appears to be attractive but is outrightly rejected as in the rukka IO has reproduced the version given by the victim to the concerned doctor, which in all material particulars supports the prosecution case.

Application of the accused for grant of bail stands dismissed. Copy of the order be sent through E-mail and or any other electronic mode to the counsels appearing for the parties and be given dasti to the IO.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. 799/2019

Ajay Kumar Kashyap & Anr. Vs. State

P.S.: Nihal Vihar

U/s : 363/366/366A/376/506/109/120B IPC & 21 POCSO Act

04.06.2020

The hearing of the present application took place through
CISCO webex meeting App.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Ms. Ekta, Ld. Counsel for the applicant/accused
(through VC)
Victim in person along with her mother.
IO SI Manisha Yadav in person.

Arguments heard. Put up for orders.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

At 12:00 Noon.

ORDER :

01. By this common order I shall decide the bail applications of applicant/accused Ajay Kumar Kashyap and Johnny Kashyap.

02. This is the second bail application filed on behalf of the applicant/accused persons seeking regular bail.

03. The brief facts of the case are that on 28.11.2019 on the complaint of 'G' the present FIR was registered in which



:2:

she has stated that her daughter 'A' was kidnapped by unknown persons. The victim was recovered on 05.12.2019 and medically examined, before the doctors she stated that she on her own had ran away with applicant/accused on 28.11.2019 and got married on 29.11.2019 and did not have any sexual intercourse with the applicant/accused. The victim was thereafter sent to Nirmal Chaya and subsequently on 07.12.2019 she made a statement u/s 164 Cr.P.C. about Ajay having made forceful sexual relations with her. During the course of investigation her date of birth was revealed as 09.06.2002. Accused Ajay Kashyap surrendered on 30.12.2019 and accused Johny Kahsyap was arrested on 26.11.2019 and since then they are in judicial custody. Chargsheet has already been filed.

04. Ld. Counsel for the applicant/accused has argued that there is a delay in registration of FIR. There is contradiction in the statement of the victim made u/s 161 Cr.P.C. and the one recorded u/s 164 Cr.P.C. She further submits that in the second MLC conducted on 11.12.2019 there are no injury marks on the private parts which suggest consent on the part of the victim. It is further argued that date of birth of the victim as per the Aadhar Card, Election I-Card and 10th Standard Certificate is 09.06.2000. Therefore, the victim was major at the time of the alleged offence. Lastly, it is argued that the statement of the victim, Woman Ct. Vinita and the mother of the victim shows that on 05.12.2019 the victim was not ready to go to her home which suggest that she had gone with the applicant/accused Ajay with



her own free will and as such no offence is made out.

05. On the other hand Ld. Addl. PP for the State has argued that date of birth of the victim as per the first school where the victim had studied is 09.06.2002 and which shall take precedents over any other document which shows that she was minor and her consent thus become irrelevant.

06. I have heard Ld. Counsel for the applicant/accused and Ld.Addl. PP for the State and have perused the record.

07. In the present case the victim was minor at the time of commission of crime. The relevant document for determining the age would be the admission register which reflects the date of birth to be 09.06.2002. The Aadhar Card, Election I-Card and the 10th Standard Certificate would be discarded for the purpose of determining the age of the victim in so far as the present bail application is considered.

08. As the delay in registration of FIR or injury on the private part are concerned they are not relevant ground for grant of bail.

09. Lastly, it is argued that there is a discrepancy in the statement of the witnesses. I do not find any discrepancy in the testimony of the witness, moreover, there cannot be any thread bare analysis of the testimonies of the witnesses particularly, when the evidence is yet to be recorded. Suffice is to say that the victim in her statement u/s 164 Cr.P.C. has supported the case of the prosecution. On 05.12.2019 when her statement was recorded u/s 161 Cr.P.C. she stated that she had got married and did not intend to go with her parents. The victim



:4:

was sent to Nirmal Chhayya. This fact is corroborated with the statement of Ct.Vinita and the mother of the victim. On 11.12.2019 her statement was recorded in the CWC in which it was clearly stated that offence was committed by the accused. This clearly reflects that for a period of 1 week the victim remained in Nirmal Chhayya and was free from any outside influence. Thus, at this stage it cannot be said that there are material discrepancy in the statement of the victim. The allegations are serious in nature. The applicant/accused Ajay Kashyap do not deserve to be enlarged on bail. The Accused/applicant Johny Kashyap who was instrumental in arranging the marriage of the victim with his brother also does not deserve any leniency as the victim was minor.

10. Bail applications of both accused persons/applicants namely Ajay Kumar and Johny Kashyap stand dismissed. Copy of the order be sent through E-mail or any other electronic mode to the counsel for the applicant and be given dasti to the IO.


(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
LD. ASJ (SFTC-01), THC, WEST DELHI

FIR No. 709/2019
Sanjay Kumar Vs. State
P.S.: Nihal Vihar
U/s : 376/354/354A/506 IPC and 4/8 POCSO Act

04.06.2020

The hearing of the present application took place through
CISCO webex meeting App.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for State.
Sh. Chandan Bhatia, Ld. Counsel for the
applicant/accused (through VC).
Victim with her mother.
IO SI Manisha Yadav in person.
Sh. Bohit Sharma, Ld. Counsel for the complainant
(through VC).

Arguments heard. Put up for orders.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

At 1:05 pm.

ORDER :-

01. The brief facts of the prosecution case are that on
14.10.2019 the above mentioned case was registered on the
complaint of the 'R' in which she stated that on 12.10.2019 at

about 11:12 pm when she was all alone at her home a man named Sanjay who is the neighbour of the victim entered her home on the pretext of cleaning the water tank after getting into the home he forcefully assaulted her and threatened the victim not to disclose this to anyone. During the course of investigation statement of the victim u/s 164 Cr.P.C was recorded. On the statement of the victim accused Sanjay was arrested on 14.10.2019.

02. Ld. Counsel for the accused/applicant has argued that as per the medical examination there is no external injury on the body of the victim. Investigation has not been carried out properly as the IO has failed to seize the bed sheet. The MLC number has been wrongly mentioned in the Rukka. The FIR shows the name of the informant to be the father of the victim, however his statement not not been recorded, thus, it is argued that the applicant should be granted bail.

03. On the other hand Ld. Addl. PP for the State duly assisted by the counsel for the complainant has argued that allegations against the accused are serious. The victim in her testimony u/s 164 Cr.P.C. has clearly supported the case of the prosecution.

04. I have heard the Ld. Counsel for the accused, Ld. Addl. PP for the state and Ld. Counsel for the complainant.

05. The Victim in her statement u/s 164 Cr.P.C. has clearly supported the case of the prosecution. There is no dispute that victim was minor at the time of commission of the



:3:

offence. The fact that MLC number has been wrongly mentioned in the Rukka would not give any benefit to the applicant for grant of bail.

06. Ld. Counsel for the applicant had laid great emphasis that in rukka, IO had given a different version of the statement of the victim. The argument appears to be attractive but is outrightly rejected as in the rukka IO has reproduced the version given by the victim to the concerned doctor, which in all material particulars supports the prosecution case.

Application of the accused for grant of bail stands dismissed. Copy of the order be sent through E-mail and or any other electronic mode to the counsels appearing for the parties and be given dasti to the IO.

(Ankur Jain)
ASJ, (SFTC-01), THC(West), Delhi
04.06.2020

IN THE COURT OF SH. ANKUR JAIN
ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI
COURTS:DELHI

Sandeep Nishad Vs. State
FIR No. : 419/2019
PS : Mundka
U/s : 376/506 IPC

04.06.2020

File taken up pursuant to the early hearing bail application filed on behalf of accused.

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.
Mr. Puneet Kumar, Ld. Counsel for applicant/accused through CISCO Webex.
Mr. Anil Kumar Kamboj, Ld. Counsel for complainant along with complainant.
IO in person.

In view of the reason mentioned in the application for early hearing, the same stands allowed. Date of application stands pre-poned for today. With the consent of counsel appearing for complainant as well as accused. Arguments on bail application heard.

Put up for orders.

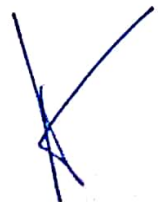
(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020

12:35 PM

1. The brief facts of the case are that on the statement of 'J' the present FIR was registered in which she alleged that accused was

her maternal uncle from his village and since they belong to same village they were on talking terms. It is further stated that Sandeep used to record the conversation and on 2nd October her mother made a proposal for marriage which was rejected by the victim and her family member. Upon which the accused started emotionally blackmailing the victim. The victim left her house with the accused on the night of 2nd October. The mother of victim lodged a missing complaint. It is further stated in the complaint that on 9th October they get married. On 15th November victim was taken to the Court where according to her the case was finalized and when the mother of victim was taking her to her house she told her mother about the marriage. The mother of the victim said that they would get lodged another case and asked her to come along but the victim refused and on 15.11.2019 the victim went to the house of applicant where accused committed rape. It is further stated in the statement that family members of the accused used to torture her for not bringing the car. On the above said facts the present FIR was registered. During investigation statement of the victim was recorded u/s 164 Cr.P.C. and after completion of investigation charge sheet was filed.

2. Ld. Counsel for accused submits that marriage was held on 09.10.2019 and the date of alleged offence is 16.11.2019. Therefore, the sexual relations which were established was between a husband and wife and as such no offence of rape is made out. It is



further argued that statement of mother of complainant was recorded on 18.11.2019 wherein she never disclosed about the offence of rape having been committed on 16.11.2019. Lastly, it is argued that there are material discrepancies in the testimony of the witnesses recorded U/s 161 Cr.PC.

3. On the other hand, Ld. Addl. P. P for State has argued that no marriage has taken place. FSL report is awaited and on 15.01.2020 supplementary statement of victim was recorded which clearly shows the circumstances under which the photographs were taken.

4. I have heard Ld. Counsel for applicant / accused and Ld. Addl. P. P for State and perused the record.

5. As per the case of prosecution the date of birth of the victim is 01.09.1999. On the date of alleged incident the victim was aged 20 years. FIR no. 364/19, PS Mundka was recorded on the complaint of the mother of the victim wherein, the mother of the victim had clearly alleged that her daughter has been kidnapped probably by the applicant. On 18.11.2019, the mother of the complainant made a statement before the Court regarding her satisfaction with the investigation carried out. She clearly stated in her statement made before Ms. Babita Puniya, Ld. MM that her daughter has come back and she has no objection if a cancellation report is accepted. On 18.11.2019 the complainant i.e. the mother



of the victim as well as the victim both were present before the Court. No such complaint was made by either the victim who was major or the mother of the victim regarding the incident dated 16.11.2019. The FIR no. 364/19, PS Mundka was thus cancelled. The victim is giving different version at different point of time.

6. On 18.11.2019 the mother of the victim has stated that her daughter has come back whereas in the statement u/s 164 Cr.P.C. the victim has stated that she remained with the applicant / accused till 25.11.2019.

7. At this stage, without commenting on the veracity of the statement of the witnesses, the applicant / accused has made out a case for grant of regular bail. Applicant/ accused is admitted to bail on his furnishing personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of Ld. Duty MM. He is directed not to contact, threaten or influence the prosecutrix or the witness in any manner. The applicant shall not leave Delhi, under any circumstances and once in every month i.e. every Fourth Saturday shall mark his presence in the PS before the SHO / IO concerned.

8. Copy of order be sent to Ld. Counsel for applicant / accused through email. Copy of the order be also given dasti to the IO.

9. Nothing said herein shall tantamount to expression of opinion on the merit of the case and they have been made only for the purpose of disposal of the present application.



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Put up on date already fixed. The copy of this order be placed in the file of this Court.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/04.06.2020