

FIR No. 131/2018
PS: Hauz Qazi
State Vs. Dolly Chaudhary
U/s 364/365/302/201/120B/34 IPC

29.07.2020

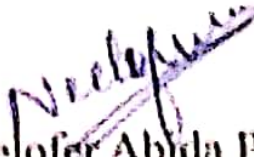
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. A. P. S. Sisodia, counsel for accused-applicant (through video conferencing)

This an application under Section 439 CrPC for grant of bail on behalf of accused Dolly Chundhary in case FIR N o. 131/2018.

Arguments heard.

It emerges that record is required to be perused for the purpose of disposal of the present bail application.

For orders/clarifications, put up on **31.07.2020**.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
29.07.2020

FIR No. 261/2019

PS: Kotwali

State Vs. Mohd. Farhaz Khan

U/s 392/397/411/34 IPC & 27 Arms Act

29.07.2020

Present: Sh. K.P. Singh, Ld. Addl. PP for State (through video conferencing)

Sh. S. N. Shukla, LAC for accused-applicant (through video conferencing)

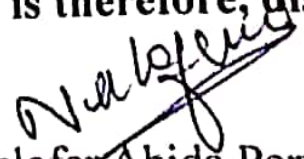
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Mohd. Farhaz Khan in case FIR No. 261/2019 on the ground of his illness.

Report was called from the Jail Superintendent in respect of the medical condition of the accused-applicant. As per report received from Jail Superintendent, the accused-applicant came to jail dispensary on 01.08.2019 and 11.10.2019 with complaints of pain in left shoulder and right ear for which he was reviewed by doctor on duty and was provided necessary treatment accordingly and that the applicant did not come to jail dispensary after 11.10.2019 and further that in compliance of the Hon'ble Court Order dated 21.07.2020, the inmate was reviewed in jail dispensary on 23.07.2020 during which he did not give any fresh complaint and no active intervention was required and that at present, the general condition and vitals of the inmate are stable and satisfactory.

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It emerges from the report that accused-applicant in the year 2019 was given treatment of some medical issue pertaining to his shoulder and his ear, however, no further treatment thereafter is reported to have been administered in connection therewith. In fact the accused-applicant since thereafter has not visited the medical dispensary in jail and has not reported in connection with any medical issue and in pursuance to the directions issued by the Court accused-applicant has been medically examined and no medical issue is reported to have been detected and his vitals and conditions are reported to be satisfactory and stable. The ground of illness set therefore has gone unsubstantiated. In such circumstances, no ground is made out to grant interim bail to the accused-applicant. The application for grant of interim bail on behalf of accused Mohd. Farahaz Khan in case FIR No. 261/2019 is therefore, dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.07.2020

FIR No. 104/2019
PS: Crime Branch
State Vs. Moti Lal
U/s 20/29 NDPS Act

29.07.2020


Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Raghav Mahajan, counsel for accused-applicant (through video conferencing)

This an application under Section 439 CrPC for grant of bail on behalf of accused Moti Lal in case FIR N o. 104/2019.

Ld. counsel submits that present application has been inadvertently filed and that he seeks leave of the Court to withdraw the same. It is ordered accordingly. The application for grant of bail on behalf of accused Moti Lal in case FIR N o. 104/2019 is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.07.2020

FIR No. 91/2018

PS: Kotwali

State Vs. Kasim

U/s 342/397/395/411/120B/34 IPC and 25/27 Arms Act

29.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Alok Vajpayee, Counsel from DLSA for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for 30 days on behalf of the accused-applicant namely Kasim in case FIR No.91/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Custody certificate and conduct report received from the Jail Superintendent. As per report, conduct of the accused is unsatisfactory during custody.

Ld. Addl. PP submits that accused-applicant does not fulfill the criteria as the conduct of the accused is not satisfactory in jail.

Accused-applicant is in custody in connection with the present case FIR for the last over two years and is not reported to be involved in any other criminal case besides the present case, however the conduct in custody has been reported to be unsatisfactory as on 28.9.2019, he is awarded jail punishment for doing an act /using language calculated to wound or offend the feelings and prejudices of a fellow prisoner, doing an

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act calculated to cause unnecessary alarm in the mind of fellow prisoners/officers of the prison, committing nuisance in the prison, disobeying the lawful order of an officer of the prison as he tried to enter another Ward without permission of the warden and misbehaving with the warden and threatened to make false complaints against the official. On 9.12.2019 again he was awarded punishment ticket for insubordination non compliance with orders and misbehaving with officials. Accused-applicant therefore does not live up to the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi in order to decongest the prisons in Delhi due to out break of covid-19 pandemic. No other ground is raised for grant of interim bail except guidelines laid down by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. **The present application of accused Kasim in case FIR No. 91/2018 for grant of interim bail is therefore dismissed.**

Neelofar Perveen
(Neelofar Abida Perveen)
ASJ (Central) HC/Delhi
29.07.2020

FIR No. 104/2019
PS: Crime Branch
State Vs. Sanjay Kumar
U/s 20/29 NDPS Act

29.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Harinath Ram, counsel for accused-applicant (through video conferencing)

This is an application under Section 439 CrPC for grant of bail on behalf of accused Sanjay Kumar in case FIR N o. 104/2019.

Ld. counsel for the accused-applicant submits that accused has been falsely implicated in the present case by the police without his participation/involvement in the case. That the applicant-accused was arrested on 24.04.2019 by the crime branch from his residence and since then he is in judicial custody. That nothing has been recovered from the possession of the applicant/accused and prima facie accused has no role/involvement. That the applicant/accused has been falsely implicated on the basis of false disclosure statement. That the disclosure statement of co-accused has no evidentiary value in the eyes of law and the same is hit by Section 25 of Indian Evidence Act and by Section 162 of Cr.P.C and that there is no direct evidence established against the applicant/accused and if there is any mobile communication it would be a matter of evidence at the trial stage of the case. That applicant/accused is only male person in

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the family to earn bread and butter to feed his family who are on verge of starvation in the present COVID-19 pandemic suffering. That the chargesheet is already filed and the applicant/accused is no more required for any investigation and trial of the case is not likely to be take place in the present circumstances of COVID-19 epidemic and no any other case is pending against the applicant/accused.

Ld. Addl. PP, on the other hand, submitted that case pertains to recovery of 1.2 kg Charas from the possession of the co accused who have disclosed that they collected the recovered charas from Dhalle Ram and Amit Thakur r/o Village-Pathala, PS & Distt.- Kullu, HP above and recovered Charas is to be supplied to accused-applicant Sanjay Kumar who is to receive contraband and thereafter on 24.04.19 accused-applicant Sanjay Kumar was apprehended on the instance of accused person. That accused-applicant Sanjay has disclosed that he was in touch with Amit Thakur, Kuldeep Sharma and Motilal @ Sonu Pandit since long and he was indulging in the supply of illegal Charas and CDR details of accused was collected and analysed which established that they were in communication with each other though the accused applicant was not apprehended from near the place of recovery.

Heard.

Acting on secret information, a raiding party headed by SI Vikrant apprehended co accused Kuldeep and Moti Lal, after intercepting the vehicle bearing registration no. HP 58 B 5006 being driven by accused Moti Lal and recovered 1200 grams of Charas from the possession of

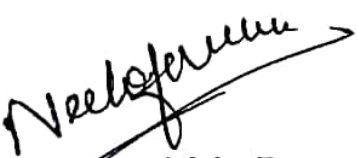
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accused Kuldeep. The prosecution besides the disclosure statement of Kuldeep also relies upon the analysis of CDR details of co-accused Kuldeep and accused-applicant Sanjay Kumar and they both were alleged to be in regular touch. However, it is not alleged that location of the mobile phone of the accused-applicant was anywhere near to the place of apprehension of co-accused and recovery of seized contraband. Besides this accused-applicant has clean antecedents. Trial is yet to commence and is likely to take some time taking stock of the prevailing situation arising out of the out break of covid-19 pandemic when regular working of the Court has remained suspended for the last about 4 months.

In such facts and circumstances and taking into consideration that 1200 grams of charas is not alleged to have been recovered from the conscious possession of the accused-applicant and that the material available against the accused-applicant is the disclosure statement of the co-accused coupled with analysis of call details, and also taking into consideration that accused-applicant has clean antecedents, application is allowed and accused-applicant Sanjay is granted regular bail subject to furnishing personal bond in the sum of Rs.50,000/- with two sureties to the satisfaction of the Ld. Duty MM, in the like amount, and subject to the condition that prior to his release, accused-applicant shall deposit her passport if he holds one with the IO. Accused and sureties shall ensure that the mobile phone number are mentioned in the bonds, are provided to the IO and remain throughout on switched on mode with location activated and shared with the IO. That accused-applicant shall confirm his location

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with the IO every week telephonically. That the accused-applicant shall not leave the territorial limits of NCT Delhi without the prior permission of the IO. That he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence. That accused and sureties shall not change their mobile phone numbers and addresses without prior intimation to the IO and that accused and sureties shall also intimate the IO in the event of change of address. Application stands disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.07.2020

FIR No. 699/2015

PS: NDRS

State Vs. Arun Kumr @ Mental

U/s 302/392/397/34 IPC

29.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for accused-applicant.

Hearing conducted through Video Conferencing.

This is a handwritten application for grant of parole of 45 days on behalf of accused Arun Mental in case FIR No. 699/2015 received from jail.

Accused has raised twin grounds, the ground of illness of mother was considered and rejected on the previous date and report in respect of the ground of his own illness as it is submitted in the application that he is suffering from Hepatitis B was called from the jail Superintendent.

Report in respect of the present medical condition of the accused-applicant is received from the Jail Superintendent. As per report, accused-applicant is a follow-up case of Anti HCV positive status & Chronic Generalized periodontitis with grossly decayed tooth and is under treatment from jail duty doctors, jail visiting specialist, Dental Department of DDU Hospital, MAIDS and Gastroenterology Department of GB Pant Hospital. It is reported further that accused-applicant went to Gastroenterology Department of GB Pant Hospital on 12/11/2018 wherein

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the treating specialist examined him and in view of his low viral load no medications were advised at that time. Thereafter inmate patient visited jail dispensary on & off for complaint of toothache and decayed tooth for which he was sent to MAIDS wherein he underwent oral prophylaxis, tooth extraction and composite restoration. That on 04/03/2020 accused-applicant was also seen by jail visiting Ortho SR for complaint of lower backache for which he was thoroughly examined and provided treatment accordingly. That on 06/03/2020 accused-applicant was seen by jail visiting SR Surgery for complaint of pain in the scrotum and Epididymal cyst for which he was thoroughly examined and provided treatment accordingly. That in pursuance to the court order accused-applicant was examined by jail visiting SR Medicine on 28/07/2020 for follow up of Anti HCV reactive status wherein he provided complaint of toothache, sensitivity, pain in scrotal region indigestion decreased appetite and constipation for which he was thoroughly examined and advised appropriate treatment accordingly and also advised to review with jail visiting dentist and SR Surgery on next visit. That all the prescribed medications are being provided to him from the jail dispensary itself.

As per report received, it emerges that accused-applicant is a follow up case of Anti HCV Positive status, thereby indicating that accused-applicant had suffered from Hepatitis C in the past recovered from the infection and had developed anti-bodies. In 2018 the accused was examined in respect of Anti HCV status and no medications were prescribed due to low viral load. The report does not indicate that accused-

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applicant is presently suffering from Hepatitis B or C or that there is active infection in the body at present impairing the health status of the accused in any manner. Moreover, accused-applicant is involved in multiple cases. There are two prior convictions also as per report of the Jail Superintendent. The details of the said cases are as under:-

1. FIR No. 344/2006, U/S 392/34 IPC PS Vivek Vihar, sentenced to 4 years with fine of amount Rs. 2.000/- in default 2 months SI. (Sentence Completed on 06.05.2011 spent by him in jail)
2. FIR No. 01/2012, U/S: 25/54/59 Arms Act, PS Vivek Vihar. Sentenced to period already undergone.

The conduct of the accused is also unsatisfactory in Jail during judicial custody. As per report, he has been awarded punishment on 11.12.2015 for using abusive language and misbehaving with escorting staff at court lockup and on 18.01.2019 for misbehaving with public prosecutor as well as escorting staff in the Court.

The High Powered Committee of H'ble the High Court of Delhi constituted with the agenda of effective implementation of the directions issued by the Hon'ble Supreme Court of India in Suo Motu Petition (Civil) No. 3/2020 In Re: Contagion of Covid – 19 from time to time has issued guidelines for the release of UTP's on interim bail of 45 days in order to decongest the prisons to enable the enforcement of social distancing protocol in the prisons in the wake of the outbreak of Covid-19 pandemic and in its meeting dated 18.4.2020 by way of further expanding the

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guidelines determined fresh category of prisoners who can be released on interim bail as under:-

“The Committee taking into account the observations made by Hon'ble Supreme Court vide its subsequent orders dated 13.04.2020, as well as the advisory issued by the ICMR to the effect that the persons suffering from acute illness have lesser immunity and thus, are more prone of getting infected by COVID-19 (Novel Corona Virus), is of the opinion that the criteria needs to be further relaxed with respect to those prisoners/UTPs who are suffering from HIV, Cancer, Chronic Kidney Dysfunction(UPS requiring Dialysis), Hepatitis B or C Asthma, and TB. On directions of Hon'ble Chairpersons, DG (Prisons) was requested to furnish the information, for the impact analysis qua the proposed relaxed criteria of UTPs suffering from above illness(es). The same is submitted accordingly.

The Members of the Committee discussed the information so provided qua UTPs suffering from above illness(es) and resolved that following categories of prisoners may now be considered for of interim bail for 45 days in view of the circumstances in which we are in, preferably on Personal Bond':

(i) Under trial prisoners (UTPs), who are suffering from above mentioned illness(es) and are in custody for three months more, facing trial in a case which prescribes a maximum sentence of 7 years or less;

(ii) Under trial prisoners (UTPs), who are suffering from above

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mentioned illness(es) and are in custody for a period of six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less;

(iii) UTPS who are suffering from above mentioned illness(es) and are in custody for a period of six months or more and facing trial in a case which prescribes punishment of 10 years upto life imprisonment and are not involved in multiple cases.

The accused-applicant is not entitled to interim bail in terms of the guidelines dated 18.04.2020 as presently he is not suffering from Hepatitis B or C and as he is involved in multiple cases with two previous convictions standing against him, and also as conduct of the accused-applicant is unsatisfactory during custody. The present application for grant of parole of 45 days on behalf of the accused-applicant namely Arun Kumar @ Mental in case FIR No. 699/2015 is therefore dismissed.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.07.2020