FIR No. 118/2017
PS Ambedkar Nagar
State Vs. Aashish @ Bindi
U/s 302/307/147/148/149 IPC & Section 27 Arms Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Vasant Kumar, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused that he has sought interim bail for applicant / accused Aashish @ Bindi as applicant has suffered fracture in his left elbow while being in custody. It is further submitted that due to Covid-19 Pandemic, the accused is not receiving proper treatment in jail.

In view of submissions made by learned counsel for applicant / accused, Report be called from the Jail Superintendent regarding medical condition of applicant / accused and treatment received by him in jail for the same.

Put up for report / further arguments on 06.05.2020.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 476/2012 PS Sangam Vihar State Vs. Manish Sahu U/s 302/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Kanhaiya Singhal, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused that Production Warrants have been issued in this case by Sh. Sudesh Kumar, Ld. ASJ, Saket Courts, New Delhi vide order dated 06.03.2020 to produce applicant on 19.05.2020. The applicant / accused is already on bail in the present case. The endorsement to the effect that the applicant / accused being "on bail", was not written on jail warrants of applicant / accused inadvertently in this case. He further submits that the applicant is only seeking clarification by way of the present application that the applicant / accused is on bail in the present case and no other direction/order.

Heard. Pursuant to the order dated 30.04.2020, the concerned Ahlmad has provided the order dated 18.01.2014 granting bail to accused/applicant and bail bond dated 18.01.2014 furnished by applicant / accused in the present matter which was duly accepted. So, bail order dated 18.01.2014 alongwith bail bond and order dated 24.05.2019 placed on record by learned counsel for applicant / accused show that the applicant / accused is on bail in the present case i.e. FIR No.476/2012, Police Station Sangam Vihar. The present bail application is disposed off in aforesaid terms.

NRI N

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya\Mahendra)

ASJ on Duty/Sputh District, Saket Court

FIR No. 11/2017 PS Ambedkar Nagar State Vs. Prakash U/s 302/307/120B IPC & Section 25/27 Arms Act. 04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tygai, counsel for applicant / accused.

Heard.

It is stated by learned counsel for applicant / accused that he seeks permission to withdraw the present bail application.

In view of submissions made by learned counsel for applicant / accused, the present bail application is dismissed as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 205/2015 PS Sangam Vihar State Vs. Satish @ Kubda U/s 302/364/365/120B/34 IPC & Section 25/27 Arms Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tyagi, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused Satish @ Kubda that the applicant / accused is suffering from tuberculosis and his condition is deteriorating day by day. He may be granted interim bail for enabling him to get proper treatment for his disease. It is further submitted that due to his medical condition, the applicant is more prone to be infected with Covid 19 and entitled to concession of interim bail in terms of recommendations of High Powered Committee.

In view of submissions made, Report be called from the Jail Superintendent regarding medical condition of applicant / accused and treatment received by him in jail for the same.

Put up for report / further arguments on 08.05.2020. Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 109/2010 PS Ambedkar Nagar Sanjay Sejwal Vs State

04.05.2020

Present:

Sh Vipul Chaudhary, counsel for applicant / accused.

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

This is an Appeal filed by Ld. Counsel for the convict challenging the Judgement dated 09.01.2020 and Sentence dated 11.03.2020 passed by Ld. CMM(South), New Dellhi.

It is stated by learned counsel for applicant / accused that the applicant / accused has been extended benefit under Section 389 Cr.P.C. by learned Trial Court and sentenced has already been ordered to be suspended.

Learned counsel for applicant / accused seeks permission to withdraw the present appeal with liberty to file it afresh. Accordingly, the present appeal is disposed off as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 118/2017
PS Ambedkar Nagar
State Vs. Aashish @ Bindi
U/s 302/307/147/148/149 IPC & Section 27 Arms Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Vasant Kumar, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused that he has sought interim bail for applicant / accused Aashish @ Bindi as applicant has suffered fracture in his left elbow while being in custody. It is further submitted that due to Covid-19 Pandemic, the accused is not receiving proper treatment in jail.

In view of submissions made by learned counsel for applicant / accused, Report be called from the Jail Superintendent regarding medical condition of applicant / accused and treatment received by him in jail for the same.

Put up for report / further arguments on 06.05.2020.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 135/2018
PS Neb Sarai
State Vs. Abhishek @ Samuel
U/s 354/354D/328/342/366/376 IPC & Section 6/10/17 POCSO Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. M.P. Sinha, counsel for applicant / accused.

This is an application for grant of interim bail for the period of 45 days filed under Section 439 Cr.P.C. on behalf of applicant / accused.

It is stated by learned counsel for applicant / accused that the old aged mother of applicant / accused is suffering from Severe Osteoarthritis and urgently requires knee replacement surgery.

Reply has been received from IO in which the IO has sought more time to verify the medical documents of mother of applicant / accused filed by learned counsel for applicant / accused. The same be verified and report be positively filed on the next date of hearing.

Put up for report / further arguments on 05.05.2020.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 61/2020 PS Tigri State Vs. Akshay U/s 392/397/506/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Rajesh Dwiedi, counsel for applicant / accused.

Report be called from the concerned IO/SHO, returnable on 05.05.2020.

Copy of FIR be also annexed with report. Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 392/2019 PS Sangam Vihar State Vs. Janak Lali U/s 323/363/376/506IPC 04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Keshav Kumar, counsel for applicant / accused.

This is an application for grant of regular bail filed under Section 439 Cr.P.C. on behalf of applicant / accused.

At this stage, it is stated by learned counsel for applicant / accused that he is not pressing for regular bail of applicant / accused and prays for release of applicant / accused on interim bail for 20 days on account of her medical condition.

Report received from the Medical Officer, In-Charge, Tihar Jail, Delhi. As per the said report, the applicant / accused is facing recurring medical issues for which she is receiving regular medication.

In view of the medical condition of the applicant, the applicant / accused is granted interim bail for 15 days on furnishing personal bond in the sum of Rs.25,000/- with one surety in like amount to the satisfaction of learned Duty MM. The applicant / accused shall forthwith surrender before the Jail Superintendent after expiry of 15 days.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 198/2020 PS Ambedkar Nagar State Vs. Arun @ Bandar U/s 307/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Hem Sharma, counsel for applicant / accused.

This is an application for grant of regular bail filed under Section 439 Cr.P.C. on behalf of applicant / accused.

On perusal of order dated 29.04.2020, it is found that detailed report was sought from the IO as to the nature and extent of injuries received by the Victim alongwith documents.

Report received from IO. As per the report of IO, the MLC reflects that the Victim suffered Gunshot splattering over back and abrasion of approx. 1x 3 cm at right side of scapula. The opinion of doctor regarding nature of injury is still awaited. The Report is supported with MLC of Victim.

The application is opposed by learned Additional Public Prosecutor on the ground that one co-accused is yet to be arrested in the present case and the investigation is still pending.

Learned counsel for applicant / accused requests that the copy of MLC received from IO may be provided to him. Copy of MLC of Victim be provided to learned counsel for applicant / accused through email. At this stage, learned counsel for applicant / accused seeks permission to withdraw the present bail application and submits that he will file an appropriate application seeking interim bail of the accused. Accordingly, the present bail application is disposed off as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 135/2018
PS Neb Sarai
State Vs. Abhishek @ Samuel
U/s 354/354D/328/342/366/376 IPC & Section 6/10/17 POCSO Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. M.P. Sinha, counsel for applicant / accused.

This is an application for grant of interim bail for the period of 45 days filed under Section 439 Cr.P.C. on behalf of applicant / accused.

It is stated by learned counsel for applicant / accused that the old aged mother of applicant / accused is suffering from Severe Osteoarthritis and urgently requires knee replacement surgery.

Reply has been received from IO in which the IO has sought more time to verify the medical documents of mother of applicant / accused filed by learned counsel for applicant / accused. The same be verified and report be positively filed on the next date of hearing.

Put up for report / further arguments on 05.05.2020.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 61/2020 PS Tigri State Vs. Akshay U/s 392/397/506/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Rajesh Dwiedi, counsel for applicant / accused.

Report be called from the concerned IO/SHO, returnable on 05.05.2020.

Copy of FIR be also annexed with report. Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 392/2019 PS Sangam Vihar State Vs. Janak Lali U/s 323/363/376/506IPC 04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Keshav Kumar, counsel for applicant / accused.

This is an application for grant of regular bail filed under Section 439 Cr.P.C. on behalf of applicant / accused.

At this stage, it is stated by learned counsel for applicant / accused that he is not pressing for regular bail of applicant / accused and prays for release of applicant / accused on interim bail for 20 days on account of her medical condition.

Report received from the Medical Officer, In-Charge, Tihar Jail, Delhi. As per the said report, the applicant / accused is facing recurring medical issues for which she is receiving regular medication.

In view of the medical condition of the applicant, the applicant / accused is granted interim bail for 15 days on furnishing personal bond in the sum of Rs.25,000/- with one surety in like amount to the satisfaction of learned Duty MM. The applicant / accused shall forthwith surrender before the Jail Superintendent after expiry of 15 days.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 347/2019 PS Neb Sarai State Vs. Ram Krishan Gupta U/s 420 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Pankaj Shrivastava, counsel for applicant / accused.

Report received from Medical Officer/In-Charge, Tihar Jail, Delhi. Reply of IO also perused.

It is stated by learned Additional Public Prosecutor that the learned counsel for applicant / accused has intentionally not placed on record the earlier orders declining bail to applicant / accused and he may be directed to produce the same.

In view of submission made by learned Additional Public Prosecutor, learned counsel for applicant / accused is directed to file earlier orders dismissing the bail application of applicant / accused.

Put up for further arguments on 06.05.2020.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 364/2018 PS Neb Sarai State Vs. Rakesh U/s 302 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Vinay Kumar Sharma, counsel for applicant / accused.

This is an application for grant of interim bail for the period of 20 days under Section 439 Cr.P.C. filed on behalf of applicant / accused.

It is stated by learned counsel for applicant / accused that the wife of applicant / accused is suffering from Uterus Cervicitis/lymph nodes/fibroid and her treatment is continuing since November 2019. Initially, the doctors of Shakuntla Hospital had observed that the uterus of wife of applicant / accused was bulky, swollen and having Uterus Cervicitis/Fibroid and also having irregular excessive bleeding. After preliminary investigation the case referred to N.C. Hospital and on 14.04.2020, wife of applicant / accused was advised by doctors of N.C. Hospital, New Delhi for surgery and removal of Fibroid/lymph nodes on 25.04.2020. It is further stated by learned counsel for applicant / accused that there is no one in the family of applicant / accused to look after his ailing wife and bear expenses of her surgery. Her surgery is postponed every time due to absence of attendant and non-deposit of necessary expenses. So, it is prayed that the applicant / accused may be released on interim bail for 20 days in order to enable him to arrange money for treatment and surgery of his wife and to take care of her.

Reply of IO has been received. The application is opposed by learned Additional Public Prosecutor stating that the applicant / accused is a habitual offender and as per the report of IO, he is involved previously in many cases. The allegations against the applicant / accused are very serious. The applicant / accused may tamper with evidence and flee from the process of justice in case being released on interim bail.

I have carefully considered the submissions and perused the report.

As per the report of IO, the medical documents of wife of applicant / accused have been duly verified from concerned hospital i.e. N.C. Hospital and are found to be genuine. As per the said documents, the wife of applicant / accused has been advised immediate surgery due to her medical condition and the surgery of wife of applicant / accused was earlier postponed due to absence of attendant and financial constraints. The statement of neighbours filed alongwith report also reflect that there is no one to look after and take care of wife of applicant / accused except applicant / accused. The wife of applicant / accused is living separately alongwith her two minor daughters with no family support.

Keeping in view the entire facts and circumstances of case, the applicant / accused is ordered to be released on interim bail for 15 days subject to furnishing personal bond in the sum of Rs.25,000- with two sound sureties in like amount to the satisfaction of Duty Magistrate subject to condition that:

- (a) the applicant / accused shall report to concerned SHO every alternate day;
  - (b) applicant / accused shall provide his phone number on which he shall remain always available;
  - (c) applicant / accused shall not leave territory of Delhi without permission of court.

- (d) applicant / accused shall not tamper with evidence and not influence, coerce or contact the complainant in any manner and
- (e) applicant / accused shall surrender forthwith after expiry of his interim bail.
  The interim bail application is, accordingly, disposed off.

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Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 476/2012 PS Sangam Vihar State Vs. Manish Sahu U/s 302/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Kanhaiya Singhal, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused that Production Warrants have been issued in this case by Sh. Sudesh Kumar, Ld. ASJ, Saket Courts, New Delhi vide order dated 06.03.2020 to produce applicant on 19.05.2020. The applicant / accused is already on bail in the present case. The endorsement to the effect that the applicant / accused being "on bail", was not written on jail warrants of applicant / accused inadvertently in this case. He further submits that the applicant is only seeking clarification by way of the present application that the applicant / accused is on bail in the present case and no other direction/order.

Heard. Pursuant to the order dated 30.04.2020, the concerned Ahlmad has provided the order dated 18.01.2014 granting bail to accused/applicant and bail bond dated 18.01.2014 furnished by applicant / accused in the present matter which was duly accepted. So, bail order dated 18.01.2014 alongwith bail bond and order dated 24.05.2019 placed on record by learned counsel for applicant / accused show that the applicant / accused is on bail in the present case i.e. FIR No.476/2012, Police Station Sangam Vihar. The present bail application is disposed off in aforesaid terms.

NRI N

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya\Mahendra)

ASJ on Duty/Sputh District, Saket Court

FIR No. 11/2017 PS Ambedkar Nagar State Vs. Prakash U/s 302/307/120B IPC & Section 25/27 Arms Act. 04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tygai, counsel for applicant / accused.

Heard.

It is stated by learned counsel for applicant / accused that he seeks permission to withdraw the present bail application.

In view of submissions made by learned counsel for applicant / accused, the present bail application is dismissed as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 205/2015 PS Sangam Vihar State Vs. Satish @ Kubda U/s 302/364/365/120B/34 IPC & Section 25/27 Arms Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tyagi, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused Satish @ Kubda that the applicant / accused is suffering from tuberculosis and his condition is deteriorating day by day. He may be granted interim bail for enabling him to get proper treatment for his disease. It is further submitted that due to his medical condition, the applicant is more prone to be infected with Covid 19 and entitled to concession of interim bail in terms of recommendations of High Powered Committee.

In view of submissions made, Report be called from the Jail Superintendent regarding medical condition of applicant / accused and treatment received by him in jail for the same.

Put up for report / further arguments on 08.05.2020. Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 109/2010 PS Ambedkar Nagar Sanjay Sejwal Vs State

04.05.2020

Present:

Sh Vipul Chaudhary, counsel for applicant / accused.

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

This is an Appeal filed by Ld. Counsel for the convict challenging the Judgement dated 09.01.2020 and Sentence dated 11.03.2020 passed by Ld. CMM(South), New Dellhi.

It is stated by learned counsel for applicant / accused that the applicant / accused has been extended benefit under Section 389 Cr.P.C. by learned Trial Court and sentenced has already been ordered to be suspended.

Learned counsel for applicant / accused seeks permission to withdraw the present appeal with liberty to file it afresh. Accordingly, the present appeal is disposed off as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

FIR No. 476/2012 PS Sangam Vihar State Vs. Manish Sahu U/s 302/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Kanhaiya Singhal, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused that Production Warrants have been issued in this case by Sh. Sudesh Kumar, Ld. ASJ, Saket Courts, New Delhi vide order dated 06.03.2020 to produce applicant on 19.05.2020. The applicant / accused is already on bail in the present case. The endorsement to the effect that the applicant / accused being "on bail", was not written on jail warrants of applicant / accused inadvertently in this case. He further submits that the applicant is only seeking clarification by way of the present application that the applicant / accused is on bail in the present case and no other direction/order.

Heard. Pursuant to the order dated 30.04.2020, the concerned Ahlmad has provided the order dated 18.01.2014 granting bail to accused/applicant and bail bond dated 18.01.2014 furnished by applicant / accused in the present matter which was duly accepted. So, bail order dated 18.01.2014 alongwith bail bond and order dated 24.05.2019 placed on record by learned counsel for applicant / accused show that the applicant / accused is on bail in the present case i.e. FIR No.476/2012, Police Station Sangam Vihar. The present bail application is disposed off in aforesaid terms.

NRI N

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya\Mahendra)

ASJ on Duty/Sputh District, Saket Court

FIR No. 11/2017 PS Ambedkar Nagar State Vs. Prakash U/s 302/307/120B IPC & Section 25/27 Arms Act. 04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tygai, counsel for applicant / accused.

Heard.

It is stated by learned counsel for applicant / accused that he seeks permission to withdraw the present bail application.

In view of submissions made by learned counsel for applicant / accused, the present bail application is dismissed as withdrawn.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 205/2015 PS Sangam Vihar State Vs. Satish @ Kubda U/s 302/364/365/120B/34 IPC & Section 25/27 Arms Act

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. Jitender Tyagi, counsel for applicant / accused.

It is stated by learned counsel for applicant / accused Satish @ Kubda that the applicant / accused is suffering from tuberculosis and his condition is deteriorating day by day. He may be granted interim bail for enabling him to get proper treatment for his disease. It is further submitted that due to his medical condition, the applicant is more prone to be infected with Covid 19 and entitled to concession of interim bail in terms of recommendations of High Powered Committee.

In view of submissions made, Report be called from the Jail Superintendent regarding medical condition of applicant / accused and treatment received by him in jail for the same.

Put up for report / further arguments on 08.05.2020. Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court

FIR No. 628/2018 PS Ambedkar Nagar State Vs. Mahadev U/s 397/34 IPC

04.05.2020

Present:

Sh. Narender Yadav, Learned Additional Public Prosecutor for State.

Sh. R.B. Pandey, counsel for applicant / accused.

This is an application for grant of interim bail for the period of 40 days under Section 439 Cr.P.C. filed on behalf of applicant / accused.

It is stated by learned counsel for applicant / accused that the applicant / accused is suffering judicial custody in the present matter since 12.01.2019. The Chargesheet has already been filed in the present case and the matter has been committed to the Ld. Sessions Court. He further submits that the applicant / accused has been suffering from HIV AIDS since three years and falls in high risk category of being infected from Covid-19. So, it is prayed that the applicant / accused may be granted interim bail for 40 days in terms of recommendations of High Powered Committee.

Report has been received from the Jail Superintendent regarding medical condition of applicant / accused. IO has also filed reply.

The instant application has been vehemently opposed by learned Additional Public Prosecutor. It is stated by learned Additional Public Prosecutor that as per the report of IO, the applicant / accused is a habitual offender and has already been convicted in two cases involving serious offences. It is further stated that report of Jail Superintendent does not support the claim of applicant / accused that he is HIV Positive. It is stated that the accused may jump bail in case he is extended benefit of interim bail.

Jun .

I have carefully considered the submissions.

As per the report of Jail Superintendent, the applicant / accused produced no record to support his claim that he is HIV Positive and suffering from AIDS. He has not asked for any treatment / investigation while in jail for above mentioned condition. There are no sign / symptom which suggest that he is suffering from chronic disease. As per the available record, there is nothing to suggest that the applicant / accused is suffering from HIV AIDS. The general condition of applicant / accused is stable and satisfactory. The applicant / accused has also not filed any medical document / document on record to support his claim that he is HIV Positive. Moreover, due to his previous criminal record, there is high likelihood of applicant / accused not submitting to jurisdiction of Court after being released on bail. So, I find no ground to release applicant / accused on interim bail. The interim bail application is accordingly, dismissed.

Copy of order be sent to Jail Superintendent for intimation and be also uploaded on District Court Website. Copy of order be also supplied to learned counsel for applicant / accused through email.

(Priya Mahendra)

ASJ on Duty/South District, Saket Court