

State Vs. Ajay Kumar & ors.(Applicant Narender Kumar @ Sonu)

FIR No: 59/19

Under Section: 302/365/34 IPC

PS: Burari

30.06.2020

Through video conferencing

This is a fresh application for grant of interim bail.

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

Sh. C.D. Rai, Ld. Counsel for the applicant.

Ld. Counsel for applicant is seeking interim bail on the ground that he has to take care of his parents as father of the applicant is suffering from Asthma and his mother is an old aged lady.

It is argued that as per report of concerned doctor, his father needs constant support of an adult male member as he cannot perform his daily activities on his own. It has further been argued that the applicant is also suffering from Asthma.

As per applicant himself, he is in custody since 21.02.2019 i.e. for a period of less than 2 years. Therefore, it is clear that accused does not fulfill the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020.

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

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maintain and take care of one's family'. Even otherwise, the accused is in custody since 21.02.2019, therefore, it is evident that his family members are maintaining themselves at their own (since long) even in his absence.

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 is facing trial for commission of a very serious offence.

In view of the above, I am not inclined to release the applicant/accused Narender Kumar @ Sonu on interim bail. His interim bail application is accordingly dismissed.

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

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
30.06.2020

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State Vs. Afzal Ali

FIR No: 216/14

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

PS: Hauz Qazi

30.06.2020

Through video conferencing

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

Sh. M.A. Qureshi, Ld. Counsel for the applicant.

Medical documents have been filed by Ld. Counsel for the applicant.

It is submitted by Ld. APP that some time is required for verifying the medical documents filed by Ld. Counsel.

Let the same be done by concerned IO/SHO by next date of hearing.

Soft copy of charge framed in the instant case has been sent to me by Assistant Ahlmad of this court, which reveals that charges U/s 419/468/420/471/370/306/120B IPC. have been framed in the instant case vide order dated 05.06.2015.

The IO has already reported no previous involvement of accused. In these circumstances, let a report regarding the conduct of accused at jail and report regarding his period of custody be called from concerned Jail Superintendent.

Put up for further hearing on 07.07.2020.

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ASJ-03, Central District
Tis Hazari Courts, Delhi
30.06.2020

State Vs. Anil Kumar @ Sonu

FIR No: 532/14

Under Section: 302/307/201/34 IPC

PS: Subzi Mandi

30.06.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Yash Wahi, Ld. Counsel for the applicant.

As per report of IO there is no previous involvement of the accused.

As per report received from concerned Jail Superintendent, the accused is in judicial custody since 27.10.2014 and his conduct at jail is satisfactory.

Accused fulfills the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020. In these circumstances, accused Anil Kumar @ Sonu is admitted on interim bail for a period of 45 days on furnishing PB in the sum of Rs. 20,000/- to the satisfaction of concerned Jail Superintendent. Accused shall surrender on the expiry of period of 45 days.

Copy of the order be sent to concerned Jail Superintendent for information and compliance.

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ASJ-03, Central District
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30.06.2020

State Vs. Ankit @ Paul @ Vishal

FIR No: 77/19

Under Section: 302/307/34 IPC and 27/54/59 of Arms Act

PS: I.P. Estate

30.06.2020

Through video conferencing

This is a fresh application for grant of interim bail.

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

Sh. Durga Prasad Shukla, Ld. Counsel for the applicant.

Applicant is seeking interim bail on the ground that his case is covered vide minutes dated 18.05.2020 of High Powered Committee. During course of arguments, it is submitted by Ld. Counsel that mother of accused is not well and even a fifteen days interim bail would suffice for making adequate financial and medical arrangements for his mother.

As per applicant himself, he is in custody since 24.04.2019 i.e. for a period of less than 2 years. Therefore, it is clear that accused does not fulfill the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020.

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'. Even otherwise, the accused is in

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custody since 24.04.2019, therefore, it is evident that his mother is maintaining herself at her own (since long) even in his absence.

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 is facing trial for commission of a very serious offence.

In view of the above, I am not inclined to release the applicant/accused Ankit @ Paul @ Vishal on interim bail. His interim bail application is accordingly dismissed.

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

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
30.06.2020

State Vs. Harpreet Singh

FIR No: 143/2013

Under Section: 364A/342/323/120B/34 IPC

PS: Rajender Nagar

30.06.2020

Through video conferencing

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

Matter is taken up today on receipt of letter from concerned Jail Superintendent regarding non-surrender of accused Harpreet Singh. As per said letter, the interim bail granted to accused vide order dated 18.05.2020, has expired on 15.06.2020.

The records regarding original application have been sent to me by Assistant Ahlmad of this court which reveals that the interim bail of the accused has already been extended by Ld. ASJ (on duty) vide order dated 09.06.2020 for a period of 30 days w.e.f. 15.06.2020.

Therefore, it is clarified that accused Harpreet Singh is on interim bail in this case till 15.07.2020. The copy of the order be sent to Jail Superintendent for information.

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi

30.06.2020

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State Vs. Gautam Jain & ors. (Applicant Mukesh Kumar Sharma)

FIR No: 383/13

Under Section: 363/364A/302/468/471/120B IPC

PS: Burari

30.06.2020

Through video conferencing

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

Sh. Prasunna Kumar, Ld. Counsel for the applicant.

Applicant is seeking interim bail on the ground that his case is covered vide minutes dated 18.05.2020 of High Powered Committee. During course of arguments, it is submitted by Ld. Counsel that accused is in custody for more than 5 years, therefore, he may be granted interim bail in facts and circumstances of the present case.

The copy of charge dated 15.11.2014 framed in the instant case has been sent to me by Assistant Ahlmad of this court, which reveals that charges inter-alia for offence U/s 364A IPC has been framed in the instant case against accused. The said offence is not covered under the guidelines laid down by High Powered Committee vide minutes dated 18.05.2020.

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:

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"....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 is facing trial for commission of a very serious offence.

In view of the above, I am not inclined to release the applicant/accused Mukesh Kumar Sharma on interim bail. His interim bail application is accordingly dismissed.

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

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Tis Hazari Courts, Delhi
30.06.2020