Bail Application No.1111/2020 FIR No.98/10 PS:Lahori Gate U/s:457/380/411/34 IPC State Vs. Aftab

11.09,2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

SI Narender Singh on behalf of IO.

Mohd. Sajid, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Inspector Satish Sharma posted as SHO PS Lahori Gate is present on behalf of concerned DCP and has filed report under the signature of DCP North, wherein, it is mentioned that Explanation Notices have been issued to SI Narender and Inspector Satish Sharma.

DCP North is directed through SHO PS Lahori Gate to file report regarding final outcome of the aforesaid Explanation Notices before the Court on or before next date.

IO SI Mahavir Singh is stated to be on medical rest.

Part submissions made on behalf of applicant, during which it is argued that wife of applicant is pregnant. However, no document whatsoever in support of said submission, has been filed on record.

On request, counsel of applicant is allowed to file the relevant the document, if any, on record and to provide copy thereof electronically to SI Narender and on being so done, the relevant document be got verified and report be submitted before the Court on or before next date.

Put up on 17.09.2020 for arguments on the bail application.

(Vidya Prakash)

Addl. Sessions Judge (Electricity) Central District/ THC/Delhi

11.09.2020

Part arguments on the point of maintainability heard. During the course of arguments, Sh. Ajay Majithia, Advocate states at Bar that the applicant has already filed petition for quashing of the order dated 06.08.2020 passed by Sessions Court, before Hon'ble Delhi High Court and same is listed for hearing on 14.09.2020.

On query, IO has expressed his ignorance about the pendency any such petition before Hon'ble Delhi High Court. He is directed to verify the said fact and to file report in this regard on the next date. Counsel of applicant is also directed to file the copy of relevant order in the aforesaid petition, if any, to be passed on next date by Hon'ble Delhi High Court.

Put up on 16.09.2020 for filing of relevant order and for arguments on the maintainability.

M. Appl. No.29/2020 FIR No.255/19 PS:Prasad Nagar State Vs. Amresh Mishra

11.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO SI Ranvir Singh.

Sh. Naveeen Gupta, Advocate for complainant.

Sh. Ajay Majithia, Advocate along with Sh. Gopal Sharma,

Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to ld. Counsel of applicant electronically.

An application dated 31.08.2020 moved by Counsel of applicant /accused for seeking direction to call for TCR and Civil Case Status report, is also separately listed before the Court as per the cause list. The said application is directed to be clubbed with the present bail application and no separate order shall be passed therein.

It may be noted that this is the third anticipatory bail applications moved on behalf of applicant/ accused and his previous two anticipatory bail applications were dismissed by Sessions Court on 26.02.2020 and 06.08.2020.

At the outset, ld. Addl. PP duly assisted by counsel of complainant, has raised an objection as to the maintainability of third anticipatory bail application, in view of dismissal previous two anticipatory bail applications on merits.

In view of above facts and circumstances, counsel of applicant/ accused is called upon to advance arguments on the maintainability of the prepent bail application.

Bail Application No.1017/2020 FIR No.210/2020 PS:Sarai Rohilla U/s:186/353/307/147/148/149/379/34 IPC & Sec. 27/54 Arms Act State Vs. Arif @ Sakil

11.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ SI Pushpender.

Sh. Suraj Prakash Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Heard on the application. Reply perused.

At the very outset, ld. Counsel of applicant/ accused states at Bar that he wishes to withdraw the present bail application as the accused has already been arrested in this case.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.

Bail Application No.1039/2020 FIR No.139/14 PS:Hauz Qazi U/s:392/174A/34 IPC State Vs. Bharat @ Mirchi

11.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ HC Mahesh Chand.

Sh. Lokesh Kumar Garg, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

TCR has been received.

Arguments on bail application heard. Record perused.

After referring to the allegations appearing in the charge-sheet and the material filed therewith, it is argued that applicant was previously granted bail in this case but he could not appear during trial due to serious illness of his daughter as a result of which he was declared PO in this case on 16.09.2019. It is further argued that applicant was arrested merely on the basis of disclosure statement of co-accused and there is no recovery whatsoever either from his possession or at his instance. It is further argued that applicant is in custody since 07.08.2020 and he is the only bread earner of his family and his both the legs are fractured and no useful purpose would be served by keeping him behind the jail. It is therefore, urged that he may be released on bail.

Per contra, Id. Addl. PP opposed the bail application on the ground that the entire conduct of applicant is malafide as he has already jumped the bail twice and he is a repeated offender and is found previously involved in more than 10 cases as per list of previous involvements filed along with reply. It is therefore, urged that the bail application may be dismissed.

Record shows that the present applicant was previously absconding in this case and was declared PO on 08.03.2016 by Id. MM, whereafter, he was arrested and charged for offences u/s 392/34 IPC and for offence u/s 174 A IPC was framed against him on 08.02.2018. while trial was going on, he again absconded and was declared PO on 16.09.2019. He is stated to have been again arrested with great deal of efforts by the police of DBG Road on 15.07.2020 and was arrested in this case on 07.08.2020. He is shown to be a repeated offender, found previously involved in 17 criminal case. It is mentioned in reply that applicant was declared PO in three more cases of different police stations.

In view of the overall facts and circumstances of the case and keeping in view of the entire previous conduct of applicant/ accused which is reflected in the discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

TCR be sent back along with copy of this order, as per rules.

Copy of this order be given dasti to both the sides electronically, as per rules.

Bail Application No.1169/2020 FIR No.183/2020 PS:Kamla Market U/s:392/394/411/34 IPC State Vs. Abdullah

11.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ SI Giri Raj.

Sh. Rakesh Nagar, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case and he is in custody since 17.8.2020 and nothing has been recovered either from his possession or at his instance and the alleged recovery of mobile phone is planted upon him. It is further argued that investigation has already been completed and he is no more required for custodial interrogation and no useful purpose shall be served by keeping him behind the Jail. It is further argued that applicant/ accused is having deep roots in the Society and there is no apprehension of his absconding and also that he is having clean antecedents. It is therefore, urged that the applicant may be granted regular bail on such terms and conditions as may be imposed upon him by the Court.

On the other hand, bail application is opposed by Id. Addl. PP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is further argued that robbed mobile phone is also recovered from the possession of present applicant, who is also correctly identified by the complainant/victim during his judicial TIP. It is further argued that charge-sheet has recently been filed in this case and trial is yet to commence and the present applicant may abscond and / or intimidate the wictim in the event of release on bail. It is therefore, urged that bail application may be dismissed.

In brief, it is alleged that during the intervening night of 14-15.08.2020, when victim was going to his house at Asaf Alil Road, two boys came from behind; one of them caught hold of his neck and other boy namely Maroof (who is named in the FIR itself) for forcibly robbed his mobile phone make Apple I-phone 7 after giving beatings to him.

As per reply of IO, Maroof was arrested on 16.08.2020 at the instance of complainant, whereafter, the present applicant was arrested on 17.08.2020 at the instance of co-accused Maroof and robbed mobile was allegedly recovered from the possession of present applicant. It is further claimed that the present applicant is correctly identified by the complainant to be amongst the offenders during judicial TIP. The case is still under investigation as charge-sheet has not yet been filed in this case.

After considering the overall facts and circumstances of this case including the nature of allegations, gravity of offence and the role allegedly played by the present applicant and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

Bail Application No.1018/2020 FIR No.21/2020 PS:Sarai Rohilla U/s:186/353/307/147/148/149/379/34 IPC & Sec. 27/54 Arms Act. State Vs. Mohd. Fardeen

11.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ SI Pushpender.

Sh. Suraj Prakash Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Part submissions heard. It is claimed that the present applicant was CCL as on the date of commission of alleged offence. However, IO seeks time to verify the copy of birth certificate of applicant as filed along with bail application. He is directed to do the necessary inquiry with regard to age of applicant and to submit the report on the next date. He is also bound down for next date.

Put up on **15.09.2020** for arguments on the bail application.

Bail Application No.1112/2020 FIR No.0507/2020 PS:NDRS U/s:379 IPC State Vs. Md. Shamim

11.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail for a period of 45 days moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.
Inspector Satish Rana posted as SHO off PS NDRS is present on behalf of concerned DCP, Railway.

Sh. Sandeep Gupta, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

SHO has filed written explanation with regard to the observations made by this Court regarding conduct of IO on the last date.

After hearing the submissions made by concerned SHO and the assurance made by him that no such lapse shall be repeated in future, no adverse order is being passed this time.

Arguments on bail application heard. Reply perused.

At the outset, counsel of applicant/ accused states at Bar that he is not pressing the prayer for grant of regular bail application and he is confining the prayer to extent of grant of interim bail to the present applicant. Said request is allowed.

It is argued by Id. Counsel of applicant/ accused that wife of accused is at advance stage of pregnancy and is likely to deliver the child any time and there is no other family members to lookafter his wife and two minor daughters. It is therefore, urged that the applicant may be granted interim bail on such terms and conditions as may be imposed upon him by the Court.

On the other hand, bail application is opposed by Id. Addl. PP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is further argued that the applicant is repeated offender and may again indulge into similar offence in the event in the event of release on interim bail. It is therefore, urged that bail application may be dismissed.

As per report of concerned SHO, the factum of pregnancy of wife of applicant/ accused is duly verified. Not only this, the medical papers regarding pregnancy are also duly got verified from the concerned Hospital. It is mentioned in the report of SHO that there is no other member in the family of applicant/ accused, apart of his wife and two minor daughters. During the course of hearing, SHO has verified that wife of applicant is at advance stage of pregnancy. The applicant/accused is shown to be charged with offences punishable u/s 379/411 IPC.

In view of the aforesaid facts and circumstances and without going into merits of the case, the applicant/ accused is granted interim bail for a period of 45 days from the date of his release subject to furnishing personal bond by him in the sum of Rs.10,000/- to the satisfaction of concerned Jail Superintendent and subject to the conditions that the applicant shall not flee away from justice; he shall not tamper with the evidence in any manner; he shall not leave the country without prior permission; he shall mark his attendance before local SHO on every Monday through mobile and he shall share his location with the IO/SHO concerned. Further, the applicant shall also provide his mobile number to the IO and same shall be kept "Switched on" all the time and at least between 8 am to 8 pm everyday during the period of interim bail. After completion of the interim bail period, the applicant shall surrender before concerned Jail Superintendent.

It is further directed that before release of applicant/accused, concerned Jail Superintendent shall ensure strict compliance of all the relevant directions, more particularly the directions contained in order dated 13.04.2020, issued by Hon'ble Apex Court in Suo Moto W.P. (C) No. 01/2020 as well as relevant directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors.

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With these directions, the present application stands disposed of.

Copy of this order be given dasti to both the sides, as

prayed.

Attested copy of this order be sent to concerned Jail Superintendent on his official e-mail ID for being delivered to the applicant/ accused and for necessary compliance.

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi

11.09.2020

Bail Application No.1170/2020 FIR No.208/19 PS:Kamla Market U/s:4 of the Muslim Women Protection of Rights on Marriage Act. State Vs. Mohammad Anis @ Zeeshan

11.09,2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant laccused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

10/ SI Sumit.

Sh. Arun Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Part submissions made, during which it is claimed that complainant has settled the entire disputes with the present applicant and both of them are residing together.

In view of above, issue notice to complainant through IO, with direction to provide link of the Court to the complainant for joining the hearing through Video Conferencing.

IO is bound down for next date.

In the meantime, no coercive measure be adopted against the present applicant till next date, subject to him joining the investigation as and when so required by the IO.

Copy of this order be given dasti to both the sides electronically, as per rules.

Put up on 26.09.2020 for arguments on the bail application.

Bail Application No.1171/2020 FIR No.004961/2020 PS:Sarai Rohilla U/s:379/411/34 IPC State Vs. Mohd. Habibur Rahman

11.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, ld. Addl. PP for the State.

SI Pushpender on behalf of IO.

Mohd. Imran, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Part arguments heard. During the course of arguments, Id. Counsel of applicant/ accused submits that as per his instructions, co-accused Sagar Roy has already been granted bail in this case. However, he seeks time to file copy of bail order of said co-accused on record.

SI Pushpender submits that concerned IO is on leave and shall join duty on 15.09.2020 and he is not aware about the status of co-accused Sagar Roy.

In view of the aforesaid facts and circumstances, IO is directed to file additional reply as regards status of said co-accused and the respective roles allegedly played by present applicant and said co-accused in the commission of crime, on next date. IO is directed to join the hearing on next date.

Counsel of applicant may also file copy of relevant bail order, if any, by next date of hearing.

Put up on 15.09.2020 for arguments on the bail application.

Bail Application No.1070/2020 FIR No.289/18 PS:Prasad Nagar U/s:308/34 IPC State Vs. Pankaj Kumar

11.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO/ SI Ram Avtar.

Sh. Virendra Singh, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

It is argued by counsel of applicant/ accused that in the FIR, the name of sole offender having caused injury to the complainant/ victim is mentioned as Keshav but still, the police is after the present applicant without any reason or any material evidence whatsoever available on record against him. It is further argued that Keshav is known BC of PS Prasad Nagar. It is further argued that applicant is also residing in the same locality where complainant is residing and had it been the situation where present applicant was involved, the complainant would have named the present applicant in the FIR itself. It is further argued that since real uncle of complainant is in Delhi Police, the police officials are falsely implicated the present applicant by letting of said Keshav out of malafide intention. It is further argued that the applicant was throughout available at his given address but he was never asked by police to join the investigation at any point of time and he is not required for the purpose of custodial interrogation in any manner.

After referring to judicial precedents, it is further argued by Counsel of applicant/ accused that anticipatory bail application is maintainable under the law, even if applicant is already declared PO by the court of the law. It is further argued that the applicant is having clean antecedents and he is ready to join the investigation, if so required but since he apprehends his arrest in this case, he may be protected.

On the other hand, the bail application is opposed by Id. Addl. PP on the ground that the allegations against the the applicant are grave and serious. It is argued that the present applicant was the actual offender involved in the commission offences and he intentionally gave his name as Keshav to the complainant while committing the crime against him. It is argued that the present applicant is already declared PO in this case and his custodial interrogation is required and he is also found previously involved in case FIR No. CD PN 2017 000029, u/s 380/457/411/34 IPC PS Prasad Nagar.

The applicant is seeking anticipatory bail for the offences u/s 308/341 IPC, whereas reply of IO reveals that offences u/s 307/341 IPC have been invoked against him in this case as he is alleged to have used sharp weapon i.e. knife while giving stab injury in the abdomen of the complainant /

victim.

Be that as it may, it is a matter of record that the present applicant/ accused is already declared PO on 23.12.2019 in this case. IO has pointed out that face of present applicant was shown to complainant from the dossier and complainant identified the present applicant to be the offender involved in this case, vide his statement u/s 161 Cr.PC recorded by him on 06.09.2019. copy of said statement as well as dossier of present applicant prepared at PS Prasad Nagar in the aforesaid previous FIR of the year 2017, are also placed on record by IO of this case. In his said statement, the victim is shown to have categorically identified the present applicant from the dossier, to be the offender having caused injury to him with knife. In view of all these facts and circumstances, the custodial interrogation of applicant is considered to be necessary for recovery of weapon of offence. Hence, Court is of the view that it is not a fit case for grant of anticipatory bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically.

as per rules.

Bail Application No.954/2020 FIR No.442/18 PS:Sarai Rohilla U/s:380/457 IPC Salim Vs. State

11.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, ld. Addl. PP for the State.

ASI Surender Tomar of PS Sarai Rohilla.

Sh. Suresh Prasad, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

TCR has been received.

Arguments on bail application heard. Reply perused.

The present applicant was previously on bail in the present case and was facing trial before the Court ld. Magistrate for the offences punishable u/s 457/380/411/34 IPC for which charge was framed against him by the Court of Ld. Magistrate on 06.06.2019. However, he jumped the bail and stopped appearing before the Court since 09.10.2019, as a result of which coercive process was issued against him and ultimately he was declared Proclaimed Offender vide order dated 27.01.2020 by ld. Magistrate. He is shown to have been arrested on 13.08.2020 and is continuously in custody since then.

Counsel of applicant/ accused has argued that the applicant could not appear before ld. MM due to some communication gap between him and his previous counsel and he has already learnt sufficient lesson and he undertakes to be regular and punctual in his appearance before the concerned Court during trial.

After considering the overall facts and circumstances of the case including nature of offence charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely Salim is admitted to bail subject to furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of Duty MM/ Link MM and shall be subject to the following conditions:

- During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
- 2. The accused shall not misuse the benefit of bail by indulging in commission of similar offences in future.
- 3. The applicant shall join the investigation as and when directed to do so and
- 4. The applicant shall intimate the Court in case of change of his address.

With these directions, the present bail application stands disposed of accordingly.

TCR be sent back along with copy of this order, as per rules.

Copy of this order be given dasti to both the sides electronically, as per rules.

Another copy of this order be sent to concerned Jail Superintendent on official mail for being delivered to the accused.

Bail Application No.1019/2020 FIR No.292/18 PS:Karol Bagh U/s:498A/406 IPC Santosh Kumar Haider Vs. State

11.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present:

Sh. Balbir Singh, Id. Addl. PP for the State.

IO / ASI Bimla Devi.

Sh. Manoj Goswami, Advocate for Complainant.

Sh. Sanjeev Kumar, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to ld. Counsel of applicant electronically.

Heard on the application. Reply perused.

At the very outset, Ld. Addl. PP has raised an objection as to the maintainability of the present bail application on the ground that bail application is shown to have been moved on behalf of applicant Santosh Kumar Haldar but the application contains the name of accused as Sandip Kumar Haldar.

In view of the aforesaid submissions made, Id. Counsel of applicant seeks permission to withdraw the present bail application with liberty to file fresh after removing the technical defects.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn, with liberty as prayed.

Copy of this order be given dasti to both the sides electronically, as per rules.