

IN THE COURT OF AMIT KUMAR, SPECIAL JUDGE : PC
ACT,(CBI)-04, ROUSE AVENUE DISTRICT COURTS, DELHI

State Vs. Harish Kumar & Ors.

Case No.393/19

FIR No. 118/1999

U/s 302/201/120B/411/379/365 IPC

PS Geeta Colony

10.06.2020.

Present (on screen):

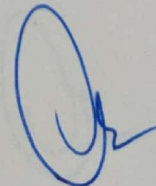
Sh. A.K. Singh, Sr. PP for CBI.

Sh. G.P. Thareja, Ld. Counsel for applicant/accused
Harish Kumar.

ORDER

1. In view of the prevailing pandemic of Covid 19, as per directions of Hon'ble High Court and Ld. District Judge, the proceedings are being held through video conferencing using Cisco WebEx App from my own residence. The link has been sent by Sh. Surender Prasad Mandal, Branch Incharge, Computer Branch, RADC, New Delhi.
2. Arguments heard on the bail application. As per this application, applicant/accused Harish Kumar was on regular bail granted by the Hon'ble High Court before he

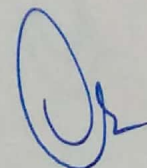
State Vs. Harish Kumar & Ors.



was taken into custody on 02.03.2020 on the basis of a report received from IHBAS, considering the welfare of the accused and because of his alcoholism, he was taken into custody. It is undisputed that before that, he was on regular bail.

3. Ld. Sr. PP has opposed the bail application on the ground that applicant was taken into custody only for his own welfare and not for any other reason and there is none, who can take the guarantee that accused will not consume alcohol in future and because of his alcoholic nature, the trial will suffer.
4. Ld. Counsel Sh. G.P. Thareja for the applicant/accused, on the other hand, has argued that out of 56 witnesses, only 2 or 3 witnesses are left to be examined and there is no reason why accused will derail the trial, who otherwise has been cooperating in trial when he was on regular bail. He has also submitted that the family members of the applicant/accused shall ensure that the accused does not take alcohol in future.
5. Considering the rival contentions of Ld. Sr. PP as well as

State Vs. Harish Kumar & Ors.



the counsel for the applicant and considering the fact that applicant/accused was on regular bail before 02.03.2020 and was taken into custody considering his own welfare to prevent him from consuming alcohol there is no other reason that he should be kept in custody, more so when more than three months have passed since 02.03.2020.

6. In the given facts and circumstances and due to peculiar facts of uncertain lockdown, the applicant/accused is ordered to be released on bail upon furnishing a personal bond in a sum of Rs. 50,000/- with one surety of like amount. The bond shall have to be tendered by the applicant before the Ld. Duty Magistrate, who is on duty in the concerned Central Jail in terms of the Office Order dated 28.03.2020 of Ld. District and Sessions Judge RADC. Counsel for the applicant be informed about the bond to be presented before the Ld. Duty Magistrate. The applicant shall undertake not to consume alcohol in future, failing which his bail will be² cancelled.

7. This order is being scanned after my signature and

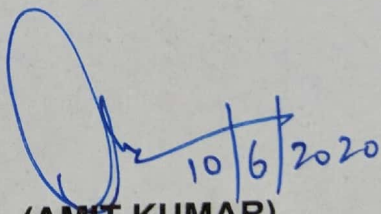


State Vs. Harish Kumar & Ors.

scanned PDF file is being transferred to the PS of Ld. District & Sessions Judge, RADC for onward uploading the same on the website. The Branch Incharge, Computer Branch shall supply the copy of the order to the IO, Sr. PP and the counsel for the applicant/accused. The original order shall be available with the Ahlmad of this Court as and when court resumes.

8. The application stands disposed off accordingly.

**ANNOUNCED IN THE OPEN COURT
TODAY i.e. on 10.06.2020**


(AMIT KUMAR)
**SPECIAL JUDGE (PC ACT), CBI-04,
ROUSE AVENUE DISTRICT COURTS,
NEW DELHI/10.06.2020**

IN THE COURT OF SH. AMIT KUMAR, SPECIAL JUDGE, PC
ACT,
CBI-04, ROUSE AVENUE DISTRICT COURT, NEW DELHI.

STATE VS. SHASHANK JADON
FIR NO. 276/2016
RC-3(S)/2016/CBI/SC-III/ND
U/S 302/34 IPC
PS: SEC.49, DISTT. GAUTAM BUDH NAGAR.

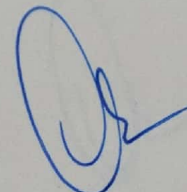
10.06.2020

Pr (On screen): Sh. A. K. Singh, Sr. PP for the CBI along with IO/
Inspector Deepak.

Sh. Chandan Malik, Ld. Counsel for the
applicant/ accused.

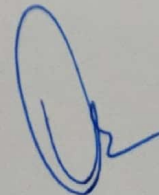
ORDER:-

- Due to spreading of corona Virus and special measures taken by the Government to prevent it , the hearing of this interim bail application has been conducted through Video Conferencing using Cisco Webex App after taking consent of both the parties in terms of directions issues by Ld. District & Sessions Judge, RADC, New Delhi.
- The meeting was facilitated by Computer Branch officials of Rouse Avenue District Court.
- The present interim bail application of the applicant /accused under Section 439 Cr. P. C. has been marked to the undersigned by the Ld. District & Sessions Judge-cum-Special Judge (PC Act), CBI in accordance with the duty roaster already circulated. The application has been received via e-mail through Computer Branch, RADC.
- The present application seeking interim bail on the ground of marriage of the sister of the applicant /accused on 30.06.2020. The applicant /accused is the only brother



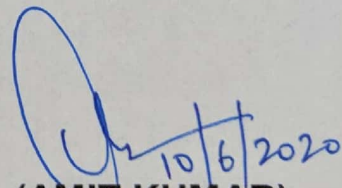
and it is stated that there are old aged parents and no other helping hand to manage the rituals of the marriage and the applicant /accused is in judicial custody since 01.06.2017 when he was arrested by the CBI and has not come out from the JC even once and his presence is essential to make necessary arrangements alongwith his father for the marriage of his real sister.

- The application is opposed on merits because of gravity of the offence and that applicant /accused can influence the witnesses and earlier also he made similar attempt and only because of that this trial was transferred from Ghaziabad to Delhi by the Hon'ble Supreme Court.
- I have heard the arguments. It is undisputed in the reply filed by the CBI that the applicant /accused is the sole brother and the marriage of his sister is scheduled on 30.06.2020. Only because the applicant /accused had been charge sheeted for the offence of murder is no reason to not to release him on interim bail to attend the marriage of his real sister as well as to look after the necessary arrangements and perform the rituals of the marriage.
- I do not find any force in the contention of the Ld. Senior PP for the CBI that the presence of the applicant /accused is not essential for the marriage of his real sister as the girls who do not have brother are also married.
- On humanitarian grounds and considering the facts that the applicant /accused is the sole brother and the marriage of his real sister is scheduled for 30.06.2020, applicant /accused is admitted to interim bail for a period of 20 days w.e.f. 15.06.2020 till 04.07.2020 on his furnishing a personal bond of Rs.30,000/- with two sureties of like amount. The bonds have to be tendered by the applicant /accused before the Ld. Duty Magistrate who is on duty in concerned Central Jail in terms of the office order dated



28.03.2020 passed by Ld. District & Sessions Judge, RADC, New Delhi.

- The applicant /accused shall surrender before the Jail Superintendent on 04.07.2020. It is also mentioned that sureties of the applicant /accused shall provide their mobile numbers and they shall not switch off the same so that the applicant /accused can be located as and when required.
- The order is being scanned after my signature and scanned PDF file is being transferred to the PS of Ld. District & Sessions Judge, RADC for onward uploading the same on the website. Sh. Surender Prasad Mandal, Branch Incharge, Computer Branch, Rouse Avenue District Court, New Delhi shall supply the copy of the order to the IO, Senior APP and the Ld. Counsel for the applicant /accused.
- A copy of this order shall also be retained on the record to be put in the judicial file as and when the normal court working stands resumed.



(AMIT KUMAR)
SPECIAL JUDGE, (PC ACT) (CBI)-04,
ROUSE AVENUE DISTRICT COURT,
NEW DELHI/10.06.2020.