

Bail Application No. 1365/2020
FIR No. 131/2020
PS: Sadar Bazar
U/s: 376/328 IPC
State Vs. Arman

03.10.2020

This is an application u/s 439 Cr.PC seeking extension of interim bail for a further period of 30 days moved on behalf of applicant/accused

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO W/ASI Jag Roshni is also present.
None is present on behalf of complainant / prosecutrix.
Sh. Shazeb, Advocate for applicant/ accused.

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

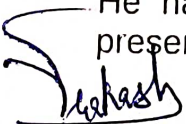
Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

At the outset, IO has informed the Court that she has already informed the prosecutrix about the present bail application but she is not aware as to why the complainant / prosecutrix has not joined the hearing today.

It is pointed out by counsel of applicant / accused that his interim bail is going to expire on 05.10.2020 and hence, there is an urgency in the matter to decide the present bail application.

Accordingly, arguments on the bail application heard. Reply perused.

It is argued by counsel of applicant / accused that the applicant got interim bail for 30 days vide order dt. 03.07.2020 passed by Sessions Court as he is having severe diabetes since his childhood and said interim bail has been extended by Sessions Court from time to time vide orders dt. 04.08.2020 and 31.08.2020. It is further argued that the present medical condition of applicant is serious and his immune system is very weak and he is vulnerable to various diseases in the present pandemic situation and he is getting medical treatment from AIIMS and therefore, his interim bail may be further extended for a period of 30 days so that he may get proper medical treatment and in order to save his life. Counsel for accused also states at Bar that he has instructions to submit that the applicant shall not seek any extension of interim bail in future. He has also referred to the latest investigation reports dt. 02.10.2020 of present applicant, in support of his aforesaid submissions.



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On the other hand, the bail application is opposed by the Ld. Addl. PP on the ground that no sufficient ground is disclosed by applicant for extension of his interim bail. It is argued that many people are patients of diabetes and same cannot be any ground for extension of interim bail previously granted to the present applicant. It is therefore urged that the application may be dismissed.

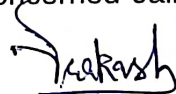
It is an admitted position on record that the present applicant was granted interim bail initially for a period of 30 days vide order dt. 03.07.2020 passed by Ld. Predecessor of this Court on medical ground, while taking into consideration into the fact that the medical condition of applicant is serious. Said interim bail was further extended from time to time till 05.10.2020 vide subsequent orders dt. 04.08.2020 and 31.08.2020. Copies of said orders are also placed on record.

The copies of medical record of applicant as filed along with bail application and which are stated to have been duly got verified by IO, he is shown to be having high blood sugar and his insulin level is not coming under control and his eye-sight is steadily getting weak. As per his latest reports, applicant's blood glucose fasting is 322 mg / dl and his blood glucose PP is 397 mg / dl, which is very high. It is a matter of common knowledge that the people having such high blood sugar level, need to take all necessary precautions due to pandemic situation on account of Covid-19 and since their immunity system is weak, they are more prone to suffer from various ailments.

Keeping in view the overall facts and circumstances of the case, and without commenting upon the merits of the case and purely on medical grounds, the interim bail granted to present applicant /accused vide order dt. 03.07.2020, is hereby extended till 31.10.2020 on same terms and conditions as mentioned therein. The applicant / accused is directed to surrender himself directly before the Jail Authority on expiry of period of his interim bail. With these directions, the present bail application stands disposed of.

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

Attested copy of this order be also sent to concerned Jail Superintendent for information, on official e-mail as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
03.10.2020

Bail Application No.1339/2020
FIR No. 15739/2020
PS: Jama Masjid
U/s: 369/411 IPC
State Vs. Ajruddin

03.10.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
ASI Desh Raj on behalf of IO.
Sh. Sunil Tomar, 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 Id. Counsel of applicant electronically.

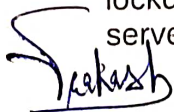
Arguments on the bail application heard. Reply perused.

The applicant / accused stood chargesheeted for offences punishable under section 379/411 IPC on the allegations that he had committed theft of motor-cycle of the complainant. Said motor-cycle is alleged to have been recovered from the possession of present applicant by the police officials of PS Daryaganj. On the basis of his disclosure statement, he is shown to have been arrested in eight more criminal cases including the present case.

It is argued by counsel for applicant that out of aforesaid nine cases, the applicant has already been discharged / released in five cases and in three cases, he has already been granted bail. Copies of relevant bail orders are also placed on record.

On the other hand, Id. Addl. PP has opposed the application on the ground that the applicant is habitual offender and he may again indulge into similar offence in the event of being released on bail. It is further informed to the Court that the applicant has no permanent address and he may abscond in the event of grant of bail to him. It is therefore urged that the bail application may be dismissed.

The alleged recovery has already been effected and charge-sheet has already been filed in this case. Thus, the applicant is no more required for the purpose of investigation. Trial is not likely to be completed in near future on account of lockdown situation due to Covid-19 and thus, no useful purpose shall be served by keeping the applicant behind the jail.

S. Prakash

Bail Application No.1339/2020
FIR No. 15739/2020
PS: Jama Masjid
U/s: 309/411 IPC
State Vs. Ajruddin

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After considering the overall facts and circumstances of the case including nature of offences charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely **Ajruddin** 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 Ld. MM/ Ld. Duty MM/ Ld. Link MM and shall be subject to the following conditions:

1. 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 offence in future;
3. The residential address of the present applicant shall be duly got verified before accepting the bail bonds to be furnished on his behalf; and
4. The applicant shall intimate the Court in case of change of his address.

The present bail application stands disposed of accordingly.

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

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
03.10.2020

Bail Application No.1398/2020

FIR No. 195/2020

PS: Kashmeri Gate

U/s: 147/148/149/427/440/452/307/506/34 IPC & 25/27/54/59 Arms Act

State Vs. Babul

03.10.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO SI Satender Singh is also present.
Sh. Pradeep Kumar Anand, Advocate for applicant / accused.

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

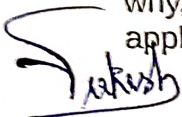
Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

The present applicant is charged with the offences punishable under section 308/323/34 IPC on the allegations that he along with co-accused Noman had given severe beatings to the complainant / victim namely Nafees on 06.09.2020 at about 11:00 PM.

After referring to the allegations appearing in the FIR, counsel for applicant has argued that the applicant is innocent and has been falsely implicated in this case and he is having clean antecedents. It is further argued that nothing has been recovered either from the possession of the present applicant or at his instance and applicant is in custody since 09.09.2020. It is further argued that co-accused persons namely Chinky Yadav, Devash Gupta, Gaurav Yadav and Chetan Yadav have already been granted bail by Sessions Court on 19.09.2020 and co-accused persons namely Lalu Yadav, Vikas Yadav @ Bona, Ritik Yadav @ Ritik and Jatin Kumr Sharma have already been granted bail by Sessions Court on 29.09.2020 and therefore, the present applicant also deserves to be released on bail on the ground of parity.

On the other hand, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against the present applicant are grave and serious and also on the ground that he had actively participated in the commission of crime involved in this case. It is further argued that the present applicant was arrested subsequent to the arrest of aforesaid co-accused persons and that is why, he cannot claim parity vis-a-vis them. It is therefore urged that the bail application may be dismissed.



Bail Application No.1398/2020

FIR No. 195/2020

PS: Kashmeri Gate

U/s: 147/148/149/427/440/452/307/506/34 IPC & 25/27/54/59 Arms Act

State Vs. Babul

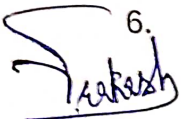
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It is an admitted fact that the aforesaid co-accused persons have already been granted regular bail by Ld. Predecessor of the Court vide orders dt. 19.09.2020 and 29.09.2020. Copies of relevant bail orders of said co-accused have also been placed on record. In the said bail orders, it has been observed by my Ld. Predecessor that on the basis of material on record so far, prima facie it appears that ingredients of offence under section 307 IPC are lacking at present and remaining offences invoked against the accused, are punishable with imprisonment upto seven years.

On query, IO has informed the Court that the present applicant stands on similar footing as that of the aforesaid co-accused persons who have already been granted bail in this case. IO has further informed the Court that the present applicant is not found to have been previously involved in any other case. That being the position in hand, the present applicant also deserves to be released on bail on the ground of parity. Moreover, nothing incriminating whatsoever is shown to have been recovered either from the possession or at the instance of present applicant. Trial is not likely to be completed in near future on account of pandemic situation due to Covid-19 and thus, no useful purpose would be served by keeping the applicant behind the jail.

After considering the overall facts and circumstances of the case including nature of offences charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely Babul is admitted to bail subject to furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of Ld. MM/ Ld. Duty MM/ Ld. Link MM and shall be subject to the following conditions:

1. The applicant shall not flee from the justice;
2. The applicant shall not tamper with the evidence;
3. During the period of bail, the accused/ applicant shall not try to contact threaten or influence, directly or indirectly, either the victim or any other witness of the present case;
4. The applicant shall not leave country without permission;
5. The applicant shall intimate the Court and IO, in case of change of his address immediately;
6. The applicant shall also provide his mobile number to the IO;

6.


Bail Application No.1390/2020

FIR No. 106/2020

PS: Kashmeri Gate

U/s: 147/148/149/427/440/452/307/500/34 IPC & 25/27/54/59 Arms Act
State Vs. Babul

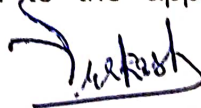
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7. The applicant shall mark his attendance before the concerned IO (and if IO is not available then to concerned SHO) every alternative/second day through mobile by sharing his location with the SHO concerned till the charge-sheet is filed;
8. The applicant shall further make a call, preferably by audio plus video mode to concerned IO (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 am to 5 pm till the charge-sheet is filed;
9. The applicant shall keep her such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday till the charge-sheet is filed; and
10. That the applicant will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.
11. The applicant shall not misuse the benefit of bail by indulging in commission of similar offence in future;
12. The applicant shall join the investigation as and when so required;

The present bail application stands disposed of accordingly.

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

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
03.10.2020

Bail Application No. 1311/2020
FIR No. 288/2020
PS: Chandni Mahal
U/s: 308/323/34 IPC
State Vs. Shuaib

03.10.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO ASI Karamveer Singh is also present.
Sh. A. A. Qureshi, 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 Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

The present applicant is charged with the offences punishable under section 308/323/34 IPC on the allegations that he along with co-accused Noman had given severe beatings to the complainant / victim namely Nafees on 06.09.2020 at about 11:00 PM.

The bail application is opposed by Id. Addl. PP on the ground that the present applicant is BC of the area and he had actively participated in the commission of crime by giving beatings to the victim with fist and kick blows and therefore, the bail application may be dismissed.

On the other hand, counsel for applicant has argued that the applicant is innocent and has been falsely implicated in this case merely on the basis of his previous criminal record at PS Chandni Mahal, he being BC of said PS. It is further argued that victim was discharged from the hospital on the same day and he has sustained simple injury. It is further argued that the applicant is in custody since 16.09.2020 and therefore, he may be released on bail.

As per allegations appearing in the FIR, the present applicant had given beatings to the victim, whereas it was co-accused Noman who had hit brick on the head of the victim. The present applicant is shown to be in custody since 16.09.2020.

On query, IO has informed the Court that the victim had left the hospital after preparation of his MLC, due to which opinion regarding nature of injury could not be obtained by him on said MLC, copy of which is placed on record by him. A bare perusal of said MLC would reveal that the victim was found to have sustained single lacerated wound in the scalp. IO has informed the court that no stitches whatsoever were received on the said wound by the victim.

S. A. A. Qureshi

Bail Application No. 1311/2020
FIR No. 288/2020
PS: Chandni Mahal
U/s: 308/323/34 IPC
State Vs. Shuaib

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After considering the overall facts and circumstances of the case including nature of offences charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely **Shuaib** is admitted to bail subject to furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of Ld. MM/ Ld. Duty MM/ Ld. Link MM and shall be subject to the following conditions:

1. 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 offence in future;
3. The applicant shall join the investigation as and when so required; and
4. The applicant shall intimate the Court in case of change of his address.

The present bail application stands disposed of accordingly.

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

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

03.10.2020

Ball Application No. 1383/2020
FIR No. 181/2020
PS: DBG Road
U/s: 307/323/34 IPC
State Vs. Irfan

03.10.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO SI Priyank Rana is also present.
Sh. Mahesh Patel, Advocate for applicant/ accused.

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

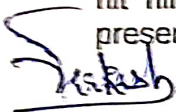
Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

Arguments on the bail application heard. Reply perused.

After referring to the allegations of the FIR, it is argued by counsel for applicant / accused that the applicant is totally innocent and has been falsely implicated in this case; he is in custody since 18.09.2020; and nothing has been recovered either from his possession or at this instance. It is further argued that the co-accused Mohd. Ateek and Tofeek have already been granted bail on 30.07.2020 and 22.08.2020 and CCL namely "S" has already been granted bail on 24.08.2020. It is further argued that the applicant is got falsely implicated by complainant as he was indulging into gambling activities and used to extent threat to him for getting him falsely implicated in connivance with the police. It is further argued that the injured was discharged from the hospital on the same date of the alleged incident and the necessary ingredients of Section 307 IPC are lacking in this case. In support of these submissions, counsel of applicant has also relied upon the decisions reported at 2017 (1) JCC 167 and 2018 (1) JCC 501. It is therefore, urged that the bail application may be allowed.

Per contra, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against the present applicant are grave and serious and also on the ground that he had played an active role in the commission of crime. It is pointed out that the present applicant had inflicted meat cutter on the back side of the neck of victim Suraj in the commission of crime. It is further argued that the victim has sustained grievous injury as per result on his MLC and investigation is still going on in this case. It is, therefore, urged that the bail application may be dismissed.

In brief, it is alleged that on 11.07.2020 at about 10.30 PM when complainant / victim Suraj was returning back to his house, CCL "S" came and deliberately hit him with the shoulder. An altercation took place between them. The present applicant joined in between and he was carrying meat cutter in his



Bail Application No. 1383/2020
FIR No. 181/2020
PS: DBG Road
U/s: 307/323/34 IPC
State Vs. Irfan

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hand, with which he gave single blow on the backside of neck of complainant and also made exhortation to kill him.

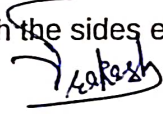
The present applicant cannot seek parity qua co-accused Mohd. Ateek and Tofeek who have already been granted bail in this case, in view of the reason that the role ascribed to them, is entirely different from the role attributed to the present applicant, as noted above. Said other two co-accused had allegedly given beating to other two injured persons namely Kismati Devi and Meera Devi with cricket bat and wooden stick at the time when they had come to rescue the complainant from the clutches of the present applicant and aforesaid CCL. It is also relevant to note that CCL "S" is shown to have been granted interim bail by concerned JJB. Even otherwise, the present applicant cannot seek parity vis-a-vis CCL as the relevant factors in case of CCL and adult accused are quite different.

Apart from above, the present applicant was previously absconding in this case and his NBWs were issued by the Court of Ld. Magistrate, as mentioned in the reply of IO. His anticipatory bail applications were dismissed by Sessions Court as well as by Hon'ble Delhi High Court on 22.08.2020 and 09.09.2020 respectively and it was only thereafter, he could be arrested with great deal of efforts by IO on 18.09.2020. Further, the present applicant is also shown to be found previously involved in case FIR No.284/2018 of PS DBG Road. Investigation is stated to be still going on in this case. The victim is shown to have sustained grievous injury as per his MLC produced by IO.

Both the aforesaid authorities relied by counsel of applicant, are distinguishable from the facts and circumstances of the present case. Moreover, it is well settled law that no straight jacket formula can be laid down for deciding the bail applications and each bail application has to be decided on the basis of facts and circumstances of each individual case.

After considering the overall facts and circumstances of the case including the nature of allegations, the gravity of offences, the role allegedly played by the present applicant, his previous conduct and his previous involvement 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. Accordingly, the bail application is hereby dismissed.

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


(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
03.10.2020

Bail Application No. 1140/2020
FIR No.: Unknown
PS: CAW Cell Sarai Rohilla
U/s: Unknown
State Vs. Rohit Aneja

03.10.2020

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

Present: Sh. Bailbir Singh, Id. APP for the State.
SI Ramesh Singh of CAW Cell, North.
Sh. Amit Nayyer, Advocate for applicant.

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

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

SI Ramesh Singh has filed his report regarding service of notice of present bail application upon the complainant in terms of last order.

None has joined the hearing on behalf of complainant despite service of notice upon her for today.

Heard on the application. Reply perused.

At the outset, Id. Addl. PP has raised an objection as to the maintainability of present anticipatory bail application on the ground that no FIR has been registered against the present applicant and matter is still pending enquiry at CAW Cell, North on the basis of complaint filed by complainant before CAW Cell, North.

On query, SI Ramesh Singh has informed the Court that one police complaint is received against the present applicant at CAW Cell, North, which has been marked to me and he is conducting inquiry in the said complaint and no FIR has been registered till date on the basis of said complaint.

Counsel of applicant/ accused is called upon to advance arguments on the maintainability of the present bail application at this stage, in view of the aforesaid objection raised on behalf of State that there is no reasonable apprehension of arrest of present applicant as of now.

After brief arguments, counsel of applicant seeks permission to withdraw the present bail application, with liberty to the applicant to move appropriate bail application before appropriate forum at appropriate stage, if so required under the law.

In view of the facts and circumstances of the case and the aforesaid submissions made by counsel of applicant, the present bail application is dismissed as withdrawn, with liberty as prayed.

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



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
03.10.2020

Bail Application No. 1189/20202
FIR No.: Not Known
PS: Chandni Chowk
U/s: Not Known
State Vs. Pramod Kumar

03.10.2020

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

Present: Sh. Bailbir Singh, Id. APP for the State.
ASI Veer Pal Singh of PS Kotwali.
Sh. Anubhav Dubey, Advocate for applicant.

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

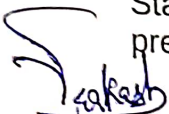
Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

At the outset, Id. Addl. PP has raised an objection as to the maintainability of present anticipatory bail application on the ground that no FIR has been registered against the present applicant at PS Chandni Chowk (Kotwali) till date.

On query, ASI Veer Pal Singh has informed the Court that one police complaint is received against the present applicant at PS Kotwali, which has been marked to me and he is conducting inquiry in the said complaint and no FIR has been registered till date on the basis of said complaint.

It is needless to mention here that police authority is duty bound to make the inquiry to the extent as permissible under the law in view of dictum of law laid down by Hon'ble Apex Court in the case of **Lalita Kumari Vs. Government of U.P. & Ors., SLP (Cri.) No.5986 of 2006 and SLP (Cri.) No.5200 of 2009** decided on 12.11.2013.

Counsel of applicant/ accused is called upon to advance arguments on the maintainability of the present bail application at this stage, in view of the aforesaid objection raised on behalf of State that there is no reasonable apprehension of arrest of present applicant as of now.



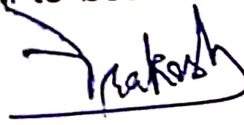
Bail Application No. 1189/20202
FIR No.: Not Known
PS: Chandni Chowk
U/s: Not Known
State Vs. Pramod Kumar

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After brief arguments, counsel of applicant seeks permission to withdraw the present bail application, with liberty to the applicant to move appropriate bail application before appropriate forum at appropriate stage, if so required under the law.

In view of the facts and circumstances of the case and the aforesaid submissions made by counsel of applicant, the present bail application is dismissed as withdrawn, with liberty as prayed.

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



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
03.10.2020