

FIR No. 390/2014

PS: Roop Nagar

State Vs. Yogesh Khari

U/s 147/148/149/308/323/380/427/452 IPC

01.10.2020

Fresh application received. Be registered.


Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Tahseen M. Siddique, Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

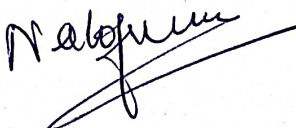
This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Yogesh Khari in case FIR No. 390/2014.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Ferveen)
ASJ (Central)THC/Delhi
01.10.2020

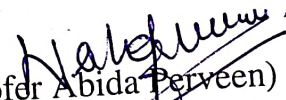
At 4 pm

At the time of passing of orders, it emerges that the accused-applicant was granted 45 days interim bail in accordance with the judgment passed by Hon'ble Supreme Court of Indian in Suo Moto W. P. (C) No. 01/2020 order / judgment dated 23.03.2020, passed by Hon'ble High Court of Delhi in case titled as Sobha Gupta & Anr. v. Union of India



& Ors., W. P. (C) No. 2945/2020 and vide order dated 07.04.2020 of Hon'ble High Court of Delhi. It is not stated in the application that the accused-applicant has surrendered following the grant of interim bail on 22.04.2020 as by blanket orders passed by Hon'ble High Court of Delh interim bail granted to the UTPs have been extended time to time.

In view thereof, for clarifications, put up on **06.10.2020**.


(Neelofer Abida Perveen)
ASJ (Central) ~~ZHC~~/Delhi
01.10.2020

FIR No. 592/2014
PS: Timarpur
State Vs. Shyam Kumar Shah
U/s 302 IPC

01.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Anant Mishra, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail on behalf of accused-applicant Shyam Kumar Shah in case FIR No. 592/2014.

Ld. Counsel for the accused-applicant has contended that accused-applicant was granted interim bail vide order dated 06.07.2020 and vide order dated 20.08.2020, interim bail of the accused-applicant was further extended by 45 days. It is further submitted that that Hon'ble High Court vide order dated 24.08.2020 in case titled as "Court on its own Motion v. State & Ors W. P. (C) No. 3037/2020 has extended all the interim orders passed by the Lower Courts till 31.10.2020.

The Full Bench of Hon'ble the High Court in W. P. (C) N.3080/2020 titled as **Court on Its Own Motion v. State & Ors.** vide order dated 18.09.2020 has clarified in respect of further extension of interim bails in following words:-

"The HPC constituted by High Court of Delhi, in its

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meeting dated 30.08.2020 further noted that the said period of 45 days in respect of some UTPs is going to expire on 21.09.2020 on wards but situation of the pandemic is still the same and it may not be possible to predict date for resumption of normal functioning of Court system, so HPC was of the opinion that the interim bail so granted to 2942 UTPs till 30.08.2020 by respective CMMs/Mms needs to be extended for a further period of 45 days. It was also noted by the Committee that in the present scenarios, it may not be possible to move individual applications before concerned CMMs/Mms be Legal Aid Counsel, so the matter was placed before this Court for considering the extension of interim bails of 2942 UTPs on judicial side.

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Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2942 UTPs, in view of the recommendations of HPC dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020, 31.07.2020, 30.08.2020 and on the basis of orders in W. P. (C) No. 2945/2020 titled as "Shobha Gupta & Ors. v. Union of India & Ors, are extended by another period of 45 days from the date of their respective expiry of interim bails on the same terms and conditions.

The accused-applicant is granted interim bail in accordance with the guidelines issued by the High Powered Committee dated 18.05.2020 and therefore the case of the accused-applicant for extension of interim bail is covered under the extension order passed by High High Court of Delhi in W. P. (C) No.3080/2020. In view of the directions passed by Hon'ble High Court vide order dated 18.09.2020 in W. P. (C) No. 3080/2020 in Court on its own Motion v. State & Ors, interim bail of the accused-

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applicant **Shyam Kumar Shah** is extended by further **45 days** on same terms and conditions.

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
01.10.2020

FIR No. 1144/2015
PS: Sarai Rohilla
State Vs. Mithlesh Mehto
U/s 302/392/397/411 IPC

01.10.2020

ORDER

This is an application under Section 439 CrPC for grant of regular cum interim bail moved on behalf of accused Mithlesh Mahto in case FIR No. 1144/2015.

Ld. LAC for accused has contended that accused-applicant is in custody since 05.10.2015. That accused-applicant has been falsely implicated in the present case. That all the public witnesses have been examined and discharged. That there are contradictions in the statements of the public witnesses. The applicant is the sole bread earner for his family and due to incarceration of accused-applicant, his family is on the verge of starvation.

Ld.Addl. PP on the other hand submits that accused has committed heinous offence and it is a triple murder case and the entire family of three was wiped out. That the accused-applicant has no permanent place of residence and is likely to abscond. That the trial is at its fag end and now and the prosecution has led clinching evidence against the accused.

Heard.

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The accused is charged with commission of robbery with murder of three persons. The prosecution relies upon last seen evidence besides CDR details and recoveries of the stolen articles effected at the instance of the accused-applicant. The accused-applicant is alleged to be the former tenant of the deceased and in order to take revenge and to commit robbery, the accused-applicant is alleged to have committed murder of three members of the family in cold blood after administering intoxicating substance to them. Not only the nature of the offence is grave but the manner in which it is committed is dastardly. The hands and feet of the deceased were tied up and their throats were slit. The trial is now near conclusion as only three witnesses remain to be examined in prosecution evidence. The accused does not have permanent place of abode within the NCR region and was apprehended, after his mobile phone number was secured from his brother and was put ^{up} surveillance, ^{from} Bihar. In view thereof, taking into consideration the nature of offence and the manner in which it is committed and also as the trial is now at its fag end, no ground is made out to grant bail to accused-applicant. The application under Section 439 CrPC for grant of regular-cum-interim bail moved on behalf of accused Mithlesh Mahto in case FIR No. 1144/2015 is dismissed.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.10.2020

B. A. No. 907/2020

FIR No. 287/2020

PS: Wazirabad

State Vs. Faisal @ Umar Chaudhary

U/s 376/506 IPC

01.10.2020

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. Arun Kumar, Counsel for accused-applicant

IO with prosecutrix – complainant in person.

Sh. Pulkit Dandona, counsel for complainant.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Faisal @ Umar Chaudhary in case FIR No. 287/2020.

Ld. Counsel for the accused-applicant submits that he has forwarded the judicial pronouncement on the email ID of the Court.

Arguments heard. For orders, put up on **03.10.2020**.


(Neelofer Abida Perveen)

ASJ (Central) THC/Delhi

01.10.2020

FIR No. 51/2019

PS: Wazirabad

State Vs. Babu @ Ritik @ Ishwar @ Safiq

U/s 392/397/411/34 IPC

01.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

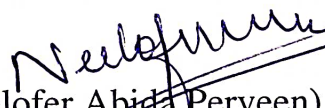
Sh. Naveen Gaur, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is fourth application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No. 51/19.

Reply is filed.

Arguments heard. For orders, put up at 4 pm.

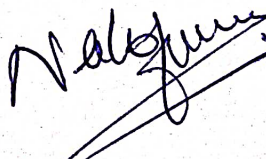

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.10.2020

At 4pm

ORDER

This is fourth application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No. 51/19.

Ld. Counsel for the accused-applicant submits that accused-applicant is in custody since 24.10.2019. That accused-applicant was arrested in connection with case FIR No. 445/2018 U/s 307 IPC PS Mahender Park and on false disclosure statement has been falsely

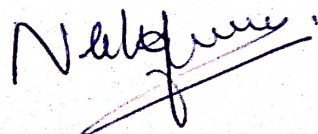


implicated in the present case and formally arrested in the present case on 24.10.2019. That accused-applicant has been granted bail in case FIR No. 445/2018. That investigation is completed and chargesheet is filed and matter is at the stage of framing of charge but charge could not be framed due to suspension of the regular working of the Court which is likely to continue for some time. That no purpose would be served by keeping the accused-applicant in custody any longer. That earlier bail application of the accused-applicant was dismissed on 16.07.2020 while observing that applicant was duly identified by the complainant as the robber who robbed his mobile phone and case property recovered at the instance of the accused-applicant. That the mobile phone pertaining to the FIR No. 392/34 IPC PS Wazirabad was already recovery by police of PS Gannor, District Sonipat, Haryana which is mentioned in DD No. 13B. Therefore, it is established that the case property has been planted. That accused-applicant has been falsely implicated in the present case. That investigation is completed and chargesheet has been filed and accused-applicant is no longer required for the purpose of investigation.

Ld. Addl. PP on the other hand submits that there is no change in circumstances since the dismissal of the previous regular bail application on 16.07.2020 and that the accused-applicant is identified by the complainant in judicial TIP as the robber

Heard.

FIR is registered on the statement of Shiv Lal Dubey on



28.02.2019, that on the intervening night of 27-28.2.2019 at around 1:00 a.m, when he was on his way in his Mahindra Pick up No. DL-1LM-0101, and had reached a little ahead of Gopalpur red lights after crossing Wazirabad flyover, he stopped the vehicle along the road side to attend to the call of nature. At that time, one Ola Cab white colour No.5657/5756 came and stopped in front of his vehicle and 3-4 boys came out of the said car carrying rod and knife and threatened him to hand over whatever valuables he had. The complainant said that he does not possess anything at which they started giving him beatings, one of them took out his purse from the pocket of his pants containing his Driving License, Aadhar Card, PAN Card, two ATM cards, one of Vijaya Bank and other of Indian Overseas Bank, RC of the vehicle, Receipts of Krishna Steel, photographs and another boy took out Rs.1250/- cash from his shirt pocket and the third boy broke the window pane of his vehicle with the rod and took his Redmi MI 6A Maroon colour mobile phone with Vodafone Sim and that he can identify the said boys if shown to him. He dialed at 100 number from mobile phone of a passerby. Accused Shahzad @ Bhura was arrested in case FIR No.104/19, under Section 25 of the Arms Act on 12.04.2019, confessed to the commission of robbery and was arrested formally in the present case FIR on 13.04.2019 but was released as the judicial TIP failed and case property was also not recovered from him. Accused Ritik @ Babu @ Ishwar @ Safiq confessed to the robbery vide DD No.13B on 20.07.2018 as police had arrested him in case FIR No.91/19, P.S.Ganor,

N. S. Ganor

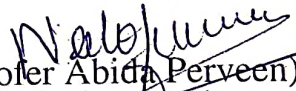
Sonepat, Haryana and he is formally arrested in the present case on 24.10.2019. The stolen mobile phone was recovered in pursuance to the disclosure made by accused Ritik on 25.10.2019. The accused was also identified by the complainant on 29.11.2019 in the course of judicial TIP.

It emerges that last bail application for grant of regular bail was dismissed on 16.07.2020 while observing that the accused-applicant is alleged to having robbed the complainant with the use of dangerous weapon i.e. knife, complainant is yet to be examined and complainant has identified the accused-applicant during TIP proceedings and as accused-applicant does not have clean antecedents and has been involved in a criminal case that pertains to commission of offence under Section 307 IPC.

Perusal of the record reveals that the matter is not at the stage of framing of charge and the matter is now come to be listed for prosecution evidence. The only change in circumstances setup today is the continued custody of the accused-applicant and the Id. Counsel for the accused-applicant has impressed upon the Court that the recovery of the alleged mobile phone is planted only in order to implicate the accused-applicant as accused-applicant is alleged to have been arrested on 24.10.2019 at 3 pm in the present and the mobile phone as per the recovery memo dated 25.10.2019 was recovered at the instance of the accused-applicant hidden under broken pieces of bricks along Mukarba Chowk Flyover i.e. after his arrest in the present case and the same mobile phone

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is shown to have been recovered from the accused-applicant in FIR No. 445/2018 and is recorded to have been so recovered in the disclosure made in the said case. It will have to be appreciated on the basis of the evidence led if the prosecution is able to establish the recovery of the stolen mobile phone in pursuance to the disclosure made by the accused-applicant in this case. For the purposes of the present bail application, it is material that the accused-applicant has been identified by the complainant in the course of TIP proceedings as one of the robbers, accused-applicant is charged for the offence under Section 397 IPC which entails minimum punishment of 7 years RI, accused-applicant does not have clean antecedents, complainant is yet to be examined, no ground is therefore made out to grant bail to the accused-applicant Babu @ Ritik in the present case. This fourth application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No. 51/2019 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
01.10.2020

B. A. No. 907/2020

FIR No. 287/2020

PS: Wazirabad

State Vs. Faisal @ Umar Chaudhary

U/s 376/506 IPC

01.10.2020

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. Arun Kumar, Counsel for accused-applicant

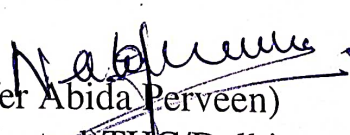
IO with prosecutrix – complainant in person.

Sh. Pulkit Dandona, counsel for complainant.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Faisal @ Umar Chaudhary in case FIR No. 287/2020.

Ld. Counsel for the accused-applicant submits that he has forwarded the judicial pronouncement on the email ID of the Court.

Arguments heard. For orders, put up on **03.10.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

01.10.2020

FIR No. 302/2018
PS: Pahar Ganj
State Vs. Dharam Singh @ Vicky
U/s 302 IPC

01.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.
Sh. S. P. Sharma, Counsel for accused-applicant (through
video conferencing)

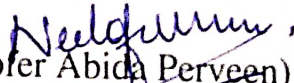
Hearing conducted through Video Conferencing.

This is an application seeking grant of interim bail of 30 days
on behalf of accused-applicant Dharam Singh @ Vicky in case FIR No.
302/2018 on the ground of his illness.

Reply of IO on merits is filed.

Let medical status report be called from the concerned
Superintendent Jail in respect of the medical health condition of the
accused-applicant for the next date.

For report and consideration, put up on 14.10.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
01.10.2020

FIR No. 41/2018

PS: Kashmere Gate

State Vs. Wasim & Anr.

U/s 392/397/34 IPC & 25 Arms Act

01.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. S. B. Shaily, Legal Aid Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Wasim in case FIR No. 41/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

It is pointed out to the Ld. LAC for accused-applicant that the benefit under the guidelines could be availed only till 30.09.2020, on which Ld. Counsel for accused-applicant submits that he has filed this application and forwarded the same on the email ID of the Court on 28.09.2020 which was supposed to be listed on 29.09.2020 itself, however, it has been listed today.

Office reports that the interim bail was received on the email ^{no} of the ID of the Court on 28.09.2020 and was to be put up on 29.09.2020, however, inadvertently, the bail application was not downloaded and put up on 29.09.2020. As the application is filed on 28.09.2020, accused-


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applicant ^{is} therefore, is entitled to invoking ^{the} guidelines dated 18.05.2020.

Reply is filed with previous involvement report. As per report, besides the present case, there is another case FIR No. 42/2018 also reported against the accused-applicant, however, Ld. LAC submits that accused-applicant has already been acquitted in case FIR No. 42/2018 and judgment of acquittal was passed on 29.10.2018.

In view thereof, let custody certificate and conduct report be called from the Superintendent Jail for the next date of hearing.

For report and consideration, put up on **08.10.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
01.10.2020

B. A. No. 1024/2020
FIR No. 138/2020
PS: Civil Lines
State Vs. Kiran
U/s 376/376-B/313/328/120B IPC

01.10.2020

Present: Sh. K.P.Singh, Addl. PP for State.
Sh. S. P. Sharma, Counsel for accused-applicant (through
video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of
anticipatory bail moved on behalf of accused Kiran in case FIR No.
318/2020.

It emerges that on the previous date of hearing, IO sought
time to produce copies of relevant supplementary statement of complainant
and proceedings in respect of the inquiry made from the concerned doctor
of the hospital where the birth of the child allegedly took place.

Ld. Addl. PP submits that no further reply has been received
in this case and that the IO has not come present with record as the bail is
received from transfer.

Let summons be again issued to the IO for appearance and to
produce the record in compliance of order dated 18.09.2020 for the next
date of hearing.

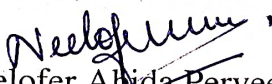
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Ld. Counsel for accused-applicant submits that he is hesitant and not comfortable to address submissions through video conferencing, taking into consideration the contents of the FIR and the documents. In such facts and circumstances, put up on **07.10.2020** i.e. physical hearing date of the Court. IO be also summoned for the next date.

At this stage, IO has joined the Webex meeting. When IO is asked about compliance of directions issued on 18.09.2020, IO submits that record has not been forwarded, however, no explanation is coming forward as to why compliance has not been made. In the interest of justice, further opportunity is being given as the matter is received by transfer.

For further consideration, put up on **07.10.2020**. IO to appear on the next date of hearing alongwith report. **Interim protection to continue till the next date of hearing.**

There is no separate mobile phone number of Ld. Counsel for prosecutrix. It emerges that the prosecutrix was appearing through video conferencing alongwith the IO. IO to ensure that the prosecutrix joins the hearing through video conferencing, on the next date of hearing.


(Neelofer Ahida Perveen)
ASJ (Central) THC/Delhi
01.10.2020

B. A. No. 2720
FIR No. 261/2020
PS: Burari
State Vs. Geeta Mishra
U/s 307/34 IPC

01.10.2020

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. Parveen Dabas, Counsel for accused-applicant.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Geeta Mishra in case FIR No. 261/2020.

Ld. Counsel for the accused-applicant submits that no active role is attributed to the accused-applicant though the name of the accused-applicant figures in the FIR registered under Section 307/34 IPC. That the two sons of the accused-applicant who are alleged to have stabbed the wife of the complainant are already in custody . That the accused-applicant is not in a position to stand and even walk without assistance as she is suffering from several ailments and remained hospitalized from 23.04.2020 to 02.05.2020 and relevant medical record is annexed alongwith the application, and the accused-applicant thereafter also have been receiving follow up treatment.

Additional reply of the IO is received. Ld. Addl. PP submits that the FIR is registered on the statement of the husband of the injured

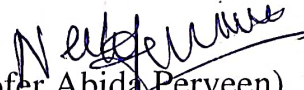
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and the injured Mamta was discharged from the hospital on 21.07.2020 following the incident that occurred on 28.06.2020, in the course of which she received stab injuries at the hands of Roshan, the son of the accused-applicant and despite repeated requests she did not come forward to get her statement recorded and it is only on 04.09.2020 that the injured came to the police station and gave her statement in writing and there are certain contradictions noticed in the statement of the complainant and of the injured in respect of the incident and the role played by the accused-applicant in particular.

Let IO be summoned for the next date of hearing alongwith record. **Interim protection is granted to the accused-applicant till the next date of hearing with directions to join the investigation on 05.10.2020 and 09.10.2020 and as and when called upon by the IO to do so.**

IO to also verify the medical record annexed with the application.

For report and consideration, put up on **13.10.2020.**


(Neelofer Abida Perveen)
ASJ (Central)TMC/Delhi
01.10.2020