FIR No. 107/2019 PS Karol Bagh U/s 406/34 IPC Abhay Gupta Vs State

29.07.2020

At 02.45 P.M.

Present: Sh. Manoj Garg, Ld. Addl PP for the State.

Sh.Vikas Arora, Ld. Counsel for the applicant/accused

Abhay Gupta.

Complainant Tapan Kumar in person.

IO SI Shree Narayan (No. D-5368) from PS Karol Bagh is

present.

Proceedings conducted through Video conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has been sent in by the IO concerned. IO has identified the complainant.

It is submitted by Ld. Counsel for applicant/accused that Matter has already been settled between the parties and a settlement deed has already been executed in this regard on 09/10/2019.

The complainant has also affirmed the said submissions made by the Ld. Counsel for the applicant/accused.

Ld. Counsel for the applicant/accused seeks adjournment.

At request Ld. Counsel for the applicant/accused, put up again

on 04/08/2020.

FIR No. 251/2019 PS Prasad Nagar U/s 201/304 IPC & 23/25/27 DMC Act State Vs. Amrit Kundra @ Sonu

29.07.2020 At 12:02 PM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Uma Shankar Gautam, Ld. Counsel for the applicant/

accused Amrit Kundra @ Sonu.

IO SI Bhawani Singh (No. D-5462, PS Prasad Nagar) is

present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Part submissions heard.

At this stage, Ld. Counsel for the applicant/ accused seeks an adjournment.

At request, be put up again on **31.07.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

FIR No. 154/2020 PS Prasad Nagar U/s 457/380/411/34 IPC State Vs. Manish Rathore

29.07.2020 At 12:40 PM

Fresh bail application u/s 439 Cr.PC filed. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Sunil Tiwari, Ld. Counsel for the applicant/ accused

Manish Rathor.

IO SI Vinod, PS Prasad Nagar is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply has been sent in by the IO concerned.

At this stage, Ld. Counsel for the applicant/ accused seeks an adjournment.

At request, be put up again on 10.08.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

FIR No.210/2020 PS Sarai Rohilla U/S 186/353/307/147/148/149/379/34 IPC & 27 Arms Act State Vs. Shahrukh

29.07.2020

At 03.05 P.M.

Present: Sh. Manoj Garg, Ld. Addl PP for the State.

Sh. Suraj Prakash, Ld. Counsel for the

applicant/accused Shahrukh.

IO ASI Pushpendra Siroha (No. D-5003) from

PS Sarai Rohilla is present.

Proceedings conducted through Video

conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has already been filed by the IO.

Submissions heard. Record perused.

Put up for orders at 04.00 P.M.

FIR No. 210/2020 PS Sarai Rohilla U/S 186/353/307/147/148/149/379/34 IPC & 27 Arms Act State Vs Shahrukh

29/07/2020

At 4:00 PM

ORDER ON BAIL APPLICATION MOVED ON BEHALF OF APPLICANT / ACCUSED SHAHRUKH

Present: NONE

Matter taken up through Video conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Oral submissions were heard at length.

The brief facts of the present case are that on 10/06/2020, complainant SI Pankaj Thakran was on duty as Incharge Police

Post Inderlok (within the jurisdiction of PS Sarai Rohilla). At around 8:30 pm, one person named Kale came to the police post and informed the complainant that Mohseen, Sadkeen, Salman, Naved @ Pilla and others beat him and looted articles from his shop. The complainant sent his staff to fetch Sadkeen and others to the In a short while, the police personnel brought police post. Sadkeen to the police post. They were followed by Mohseen, Salman, Naved @ Pilla and others to the police post. All of them started using abusive language. The complainant tried to pacify them but all in vain. Naved @ Pilla was reportedly having a gun in his hand and other persons accompanying him were armed with Lathis and Sticks. The complainant managed to get all these people out of the police post but they started pelting stones. One of the stones struck the head of the complainant. The complainant fired one round from his service pistol in his defence. In response, Naved @ Pilla also fired a round. The complainant felt that situation was aggravating. Accordingly, he handed over his

service pistol to a constable and went inside to fetch one AK 47 (Rifle) from the Police Post. The said persons then ran towards a Gali (lane) from where some shots were fired. The complainant requisitioned some more police personnel from the police station. The complainant then got registered the present FIR claiming that Mohseen, Sadkeen, Salman and others attacked the police post and to have caused hurt to the police officials in order to prevent them from discharging their official duties.

Ld. Counsel for the applicant/ accused has submitted that the name of the applicant/ accused does not figure in the FIR. He has further submitted that applicant/ accused was not even available in the area at the time of incident. It has been further submitted on behalf of the applicant/ accused that he has been falsely named by the police officials. It has been further submitted by the ld counsel that the applicant/accused does not have any criminal antecedents. It has been further argued that the

availability or otherwise of the applicant/ accused at the relevant time may be ascertained from the CCTV footage of the police post. The Ld. Counsel for the applicant/accused further submits that there is an unexplained delay of 05 hours in the registration of present FIR, which points towards the falsity of the prosecution case.

On the other hand, IO submits that the present one is a case involving mass rioting and therefore police has also invoked Section 147/148/149 IPC against the accused persons. As to the identity of the applicant/ accused, IO submits that the applicant/accused was identified by the Constables Injured in the attack and also by the complainant. However, the IO conceded that the applicant/accused could not be seen only CCTV footage of the incident. Ld. APP has opposed the prayer made by the counsel for the applicant/ accused.

In rebuttal, Ld. counsel for the applicant/ accused submits that the police has not explained as to why the name of the applicant/accused was not mentioned in the FIR itself if he (applicant) was already known to the complainant, was available in the area at the relevant time and was pelting stones. It is further submitted that the applicant/accused is langushing in custody for the last 50 days and is no longer required for the purpose of investigation. Moreover, there is no chance of tampering of witnesses as all the witnesses are police officials. Accordingly, it has been prayed that the applicant/accused may be granted bail.

This court has considered the rival submissions. The present case pertains to commission of offence of rioting at a police post and attacking police officials available therein with fire arms and sticks and stones. Applicant has been identified by witnesses as a part of the mob which attacked the police post. Keeping in view the gravity of the offences and the seriousness of the allegations against the applicant/ accused, this Court is not

inclined to enlarge the applicant/ accused Shahrukh on bail at this stage. The present bail application stands dismissed.

Copy of this order be sent to Jail Superintendent.

File be consigned to Record Room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

FIR No. 11742/2020 PS Rajinder Nagar U/s 379/411/34 IP State Vs. Gopesh

29.07.2020

At 12.18 P.M.

Fresh bail application u/s 439 Cr.PC filed. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Rishi Kant Mishra, Ld. Counsel for the applicant/ accused

Gopesh.

IO ASI Jaiveer Singh Malik (No. D-466/C, PS Rajinder Nagar)

is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply filed by the IO perused. Submissions heard.

Be put at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

State Vs. Gopesh

29.07.2020 At 04:10 PM

ORDER ON THE BAIL APPLICATION U/S 439 CrPC MOVED ON BEHALF
OF APPLICANT/ ACCUSED GOPESH

Present: None

The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to

Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld.

District & Sessions Judge (HQs), Delhi.

The present case relates to the recovery of a stolen Scooty

allegedly from the possession of the applicant/ accused Gopesh one week after

the same (Scooty) was reported to have been stolen vide the present FIR.

Ld. Counsel for the applicant/ accused has submitted that the recovery

has been planted. It has been further submitted that the applicant/ accused is

about 26 years old and has a family to look after consisting of widowed mother,

a wife and two minor children. A prayer for grant of bail has been made.

The prayer for grant of bail to the applicant/ accused has been

opposed by the Ld. APP for the state on the ground that there are several

previous involvements of the applicant/ accused Gopesh, as reported by the IO.

In rebuttal, it is submitted by the Ld. Counsel for the applicant/ accused that the case under POCSO Act has already been disposed of and the applicant/ accused is married to the prosecutrix therein and is having two kids with the prosecutrix. It has been further submitted that the cases U/s 27 NDPS Act and U/s 324/341 IPC have already been disposed of. (IO has affirmed the said submissions made in rebuttal arguments by Ld. Counsel). It has been further submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused has been falsely implicated in the present case by the police on account of his previous records.

This Court has considered the rival submissions. Admittedly, the applicant/ accused Gopesh is languishing in judicial custody since 07.06.2020. Further, recovery has already been effected. In these circumstances, the applicant/ accused Gopesh is admitted to bail on furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent/Ld.Duty MM, subject to following conditions:-

- a) the applicant/ accused shall not influence the witnesses;
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

FIR No. 11742/2020 PS Rajinder Nagar State Vs. Gopesh

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The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

29.07.2020

At 12:10 PM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Mohd. Saleem, Ld. Counsel for the applicant/ accused

Naimuddin.

Complainant Mohd. Amir and injured Shorabuddin are also

present.

IO ASI Anuj Kumar (No. D-5325/C, PS Hauz Qazi) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Report already filed by the IO perused. Submissions heard. This court has interacted with the complainant and victim over VC.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

29.07.2020

At 04:00 PM

ORDER ON THE SECOND APPLICATION U/S 439 CrPC FOR INTERIM BAIL MOVED ON BEHALF OF APPLICANT/ ACCUSED NAIMUDDIN

Present: None.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Oral submissions were heard earlier in the day.

Today, Ld. Counsel for the applicant/ accused placed on record two affidavits sworn by complainant Mohd. Amir and victim Shorabuddin respectively, whereby both of them have conveyed their "No-Objection" to grant of bail to applicant/accused. It has been further submitted that charge-sheet has already been filed in the court of Ld. ACMM. It has been submitted by the Ld. Counsel for the applicant/ accused that the applicant/ accused Naimuddin is languishing in judicial custody since 20.11.2019. It has been further submitted that the injured/ victim was discharged on the very same day from the hospital when he was admitted for treatment. It has been further submitted that the applicant/

accused is about 47 years old and is an amputee having 60% permanent physical impairment and in view of growing COVID-19 pandemic, the applicant/ accused Naimuddin may be granted interim bail. It has been lastly submitted that the mother of the applicant/ accused is ill and she desperately requires the presence of the applicant/ accused at her home.

The above prayer for interim bail by the applicant/ accused is vehemently opposed by the Ld. APP for the state on the ground that the applicant/ accused is involved in as many as 23 other cases and is convicted in as many as 08 cases till date. It has been further submitted that the applicant/ accused is a dreaded criminal of the area and can cause harm to the complainant and the victim.

In rebuttal, Ld. Counsel for the applicant/ accused has submitted that all the cases referred to by the Ld. APP for the state were registered before the year 2008 and since then, the applicant/ accused is living peacefully. It has been further submitted that the applicant/ accused was convicted in cases arising out of Section 27 NDPS Act. Accordingly, it has been prayed that the applicant/ accused may be enlarged on interim bail.

This Court has considered the rival submissions. The complainant as well as injured/ victim were both available in the Video Conference proceedings, and were duly identified by the IO. This Court personally asked both of them as to whether they were facing any threat at the instance of the applicant/ accused Naimuddin or were coerced into filing affidavits conveying "No-Objection" to grant of bail applicant/accused. Both of them denied the same. Rather, both of them affirmed to have filed the affidavits today in support of the applicant/ accused on their own and without any fear or coercion. Both of them orally conveyed "no objection" to the grant of interim bail to the applicant/ accused.

No doubt, this Court is independent of the opinion (noobjection) of the complainant as well as the victim so far as grant of interim bail to the applicant/ accused is concerned. However, "no objection" of the complainant as well as injured does carry some significance atleast w.r.t the apprehensions of prosecution regarding safety and security of witnesses. It seems that witnesses are not feeling threatened. Considering the current scenario of unabated spread of COVID-19 pandemic, it could be safely assumed that the trial is likely to

get delayed. The applicant/ accused is languishing in judicial custody since 20.11.2019. Mother of applicant/accused is ill at present and requires urgent medical care and attention, which only the applicant/accused could procure for her. Without commenting on the merits of this case, the applicant/ accused Naimuddin is admitted to interim bail for a period of 45 days from the date of release subject to furnishing of bail bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. concerned Court/Jail Superintendent. However, the applicant/ accused is directed that he shall not influence or threaten the witnesses in any manner, shall not abscond, shall not indulge in any similar offence and shall inform the Court about any change of his residential address in the meantime. The applicant/ accused shall also provide his own as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday and Friday between 10 a.m. to 6 p.m.

A copy of this order be sent/ transmitted to the Jail Superintendent concerned for necessary information and compliance.

Be put up again on 12.09.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

FIR No.139/2020

PS : Rajinder Nagar U/S : 356/379/34 IPC

State Vs. Anil

AND

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34

IPC

State Vs. Anil

AND

FIR No.146/2020 PS : Rajinder Nagar U/S : 356/379/411/34

IPC

State Vs. Anil

29.07.2020 At 1:10 PM

Three bail applications u/s 439 Cr.PC filed. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Manjeet Mathur, Ld. Counsel for the applicant/ accused

Anil.

IO ASI Vijay Shankar (No. D-5545/C, PS Rajinder Nagar) (in

FIR No. 139/2020 PS Rajinder Nagar) is present.

IO SI Vinod (No. D-2828/D PS Rajinder Nagar)(in FIR No.

141/2020 PS Rajinder Nagar) is present.

IO ASI Daryab Singh (No. D-43/C PS Rajinder Nagar) (in FIR

No. 146/2020 PS Rajinder Nagar) is also present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

FIR No.139/2020 PS: Rajinder Naga U/S: 356/379/34 IPC State Vs. Anil

AND

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

AND

FIR No.146/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

Individual reports filed by the IOs in all three present FIRs have been perused. Submissions heard.

ORDER ON ALL THREE PRESENT BAIL APPLICATIONS U/S 439 CrPC MOVED ON BEHALF OF APPLICANT/ ACCUSED ANIL

BRIEF FACTS IN FIR NO. 139/2020 PS RAJINDER NAGAR

The allegations against the applicant/ accused Anil in case FIR no. 139/2020 PS Rajinder Nagar are that two unknown boys committed theft/ snatching of mobile phone of the complainant at the relevant time. It has been reported by the IO of the present case namely ASI Vijay Shankar (No. D-5545/C, PS Rajinder Nagar) that the applicant/ accused Anil committed the said snatching alongwith his accomplice and both of them have refused to undergo TIP proceedings. It has been further reported that the applicant/ accused and his accomplice were caught red handed in the commission of crime reported vide FIR no. 146/2020 PS Rajinder Nagar and disclosed their involvement in the present case subsequently. It has been further reported that the applicant/ accused is a habitual criminal and is having six previous involvements.

FIR No.139/2020 PS: Rajinder Nagai U/S: 356/379/34 IPC State Vs. Anil

<u>AND</u>

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

AND

FIR No.146/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

BRIEF FACTS IN FIR NO. 141/2020 PS RAJINDER NAGAR

Briefly stated, the case of the prosecution in the present FIR no. 141/2020 PS Rajinder Nagar is that two unknown persons snatched the mobile phone of the complainant at the relevant time and complainant reported that he could identify the snatchers. It has been reported by the IO of the present case namely SI Vinod (No. D-2828/D PS Rajinder Nagar) that the applicant/ accused Anil committed the said snatching alongwith his co-accused and both of them have refused to undergo TIP proceedings. It has been further reported that the applicant/ accused and his accomplice were caught red handed in the commission of crime reported vide FIR no. 146/2020 PS Rajinder Nagar and disclosed their involvement in the present case subsequently. It has been further reported that the applicant/ accused is a habitual criminal and is having six previous involvements.

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FIR No.139/2020 PS : Rajinder Nagar U/S : 356/379/34 IPC State Vs. Anil

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

AND FIR No.146/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

BRIEF FACTS IN FIR NO. 146/2020 PS RAJINDER NAGAR

The allegations, in brief, as per the present FIR no. 146/2020 PS Rajinder Nagar, are that the applicant/ accused Anil and his accomplice Sandeep Kumar were arrested at the spot after they were intercepted by the police when both were trying to flee the spot subsequent to the commission of snatching of a mobile phone of the complainant at the relevant time. It has been reported by the IO of the present case namely ASI Daryab Singh, PS Rajinder Nagar that stolen mobile was recovered at the spot and a stolen Scooty was also recovered from the possession of the applicant/ accused Anil at the relevant time. Both the applicant/ accused as well as his accomplice refused to undergo TIP proceedings. It has been further reported that the applicant/ accused is a habitual criminal having 06 previous involvement.

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FIR No.139/2020 PS: Rajinder Naga U/S: 356/379/34 IPC State Vs. Anil

AND

AND

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

FIR No.146/2020 PS : Rajinder Nagar U/S : 356/379/411/34 IPC

State Vs. Anil

Ld. Counsel for the applicant/ accused has submitted that the applicant/ accused Anil is innocent and unsolved cases have been planted upon applicant /accused, who being handicapped is incapable of doing all this. It has been further submitted that the applicant/ accused is the only earning member of his family. It has been further submitted that the applicant/ accused is responsible for raising two minor children. It has been further submitted that all the previous involvements of the applicant/ accused pertain to a period prior to 2004 and the applicant/ accused is living peacefully since then. It has been,

Addressing oral submissions in all three bail applications simultaneously,

Admittedly, the applicant/ accused Anil is languishing in judicial custody since 13.06.2020. Recoveries, wherever possible, have already been effected by the police. The trial is likely to get prolonged on account of unabated spread of COVID-19 pandemic. It is not reported that the applicant/ accused has been convicted in any of the previous matters till date, all of which matters admittedly pertain to a period prior to year 2004. Without going into the merits of the

accordingly, prayed that the applicant/ accused Anil may be granted bail in all

three cases.

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FIR No.139/2020 PS: Rajinder Naga U/S: 356/379/34 IPC State Vs. Anil

<u>AND</u>

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

AND

FIR No.146/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

present cases, the applicant/ accused Anil is admitted to bail in all three present cases (FIR no. 139/2020 PS Rajinder Nagar, FIR no. 141/2020 PS Rajinder Nagar & FIR No. 146/2020 PS Rajinder Nagar) subject to furnishing respective/ separate bail bonds in a sum of Rs. 10,000/- each with one surety in the like amount in all the three cases to the satisfaction of the Ld. Duty MM/Jail Superintendent concerned. It is directed that the applicant/ accused Anil shall not abscond and shall not indulge in any such crime in future. The applicant/ accused shall also provide his own as well as his surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

A copy of this order be sent/ transmitted to the Jail Superintendent concerned for necessary information and compliance. All the three bail applications stand disposed of accordingly. A copy of this order be placed in all files. Files be consigned to record room after due compliance.

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FIR No.139/2020

PS : Rajinder Nagar U/S : 356/379/34 IPC State Vs. Anil

AND

FIR No.141/2020 PS: Rajinder Nagar U/S: 356/379/411/34 IPC State Vs. Anil

<u>AND</u>

FIR No.146/2020 PS : Rajinder Nagar U/S : 356/379/411/34 IPC State Vs. Anil

A copy of this order be uploaded on the official website of Delhi District Courts.