

**State Vs. Javed**

**FIR No: 09/20**

**Under Section: 356/379/411/34 IPC**

**PS: Gulabi Bagh**

**18.07.2020**

**Through video conferencing**

**This is an application for grant of anticipatory bail filed on behalf of the applicant.**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Anil Sharma, Ld. Counsel for the applicant.

Remaining arguments heard.

Copy of disclosure statement as well as supplementary disclosure statement of co-accused, sent by Ld. APP electronically, perused.

The name of applicant/accused has been disclosed by co-accused (being his accomplice) in his supplementary disclosure statement.

The case of prosecution in nutshell is that on alleged date of incident (on 15.01.2020), applicant along with co-accused came on a motorcycle bearing a fake number plate and snatched one bag from the possession of complainant. The co-accused was apprehended at the spot along with snatched articles and motorcycle (used in commission of offence), whereas applicant/accused is alleged to have fled away from the spot.

Ld. Counsel for accused has vehemently argued for grant of anticipatory bail on the ground that accused is no more required for custodial interrogation and recovery has already been effected.

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Per contra, Ld. APP for State has vehemently argued that custodial interrogation is required to be made from accused for making inquiry regarding the vehicle used in commission of offence and his identity is also yet to be established by Test identification proceedings (TIP) during course of investigation.

I have heard rival contentions and perused the record carefully.

In State (CBI) Vs. Anil Sharma, 1997 CrL LJ 4414, Hon'ble Apex Court has observed as under:

*“Success in such interrogation would allude if the suspected person knows that the is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”*

In the facts and circumstances of the case, I am of the view that the custodial interrogation of the accused might be required for effective investigation and the course of investigation may suffer, if accused is enlarged on anticipatory bail. **In these circumstances, I am not inclined to grant anticipatory bail to the accused. Accordingly, the present application for grant of anticipatory bail stands dismissed.**

Copy of this order be sent to IO as well as defence counsel through official email.

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(Anuj Agrawal)

ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Sarita Jha and Sudha Jha**

**FIR No: Not Known**

**PS: Wazirabad**

**18.07.2020**

**Through video conferencing**

**This is an application for grant of anticipatory bail filed on behalf of the applicants.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Prashant Kumar, Ld. Counsel for the applicants.**

**Reply filed by the IO. Copy supplied.**

**As per report of IO, no FIR has been registered against the accused and only a non-cognizable report U/s 323 IPC has been registered. The said offence is not only non-cognizable in nature but also bailable one. Therefore, there is no apprehension of arrest of accused in a non-bailable case.**

**Therefore, the present application for anticipatory bail stands dismissed as non maintainable.**

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**(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020**

# State Vs. Prabhas Monish Tyagi

FIR No: 254/20

Under Section: 376/354(D)/506 IPC

PS: Burari

18.07.2020

## Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.

Dr. M.K. Gahlot, Ld. Counsel for the applicant.

Reply filed by IO. Copy of same supplied to other side electronically.

Ld. Counsel for accused has vehemently argued for grant of bail on the ground that accused has been falsely implicated and the long relationship of around 21 months between parties was completely consensual. It is argued that prosecutrix had opted to have consensual sexual relationship with accused despite both of them being married and having family. It is further argued that all the family members of prosecutrix were well aware about their relationship and they all had taken monetary benefits from accused on different occasions. It is further argued that ATM card of accused still continues to be in possession of husband of prosecutrix.

It is argued that apart from visiting various places, prosecutrix had (in past) stayed with accused on different occasions in six hotels with her own will, details of which have been given in the instant application which prove that the relationship was consensual. It is further argued that the



prosecutrix acted with vengeance by getting registered the present false FIR only when wife of accused came to know about their relationship and objected to same. It is forcefully argued that screenshots of various whatsapp messages between parties also reveal that relationship between them was consensual and therefore, accused deserves to be granted bail in the instant case.

Per contra, Ld. APP for the State has vehemently opposed the present bail application on the ground that the allegations against the accused are grave and serious as he clandestinely took possession of ID of prosecutrix and later on misused it for showing certain booking at certain places. It is argued that accused had forced prosecutrix to have sexual relationship with him and later on leaked her nude photos. It is further submitted by Ld. APP that the accused may threaten the complainant and his family members, if enlarged on bail.

I have heard rival contentions and perused the record carefully including the reply of IO as well as screenshots of various whatsapp chats annexed with the application.

IO in her report has inter-alia mentioned that during investigation, interrogation was made from hotel Shyam Kunj and Ravin and the entry of accused and prosecutrix in said hotels on 17.02.2020 and 07.01.2020 was confirmed. Therefore, in view of the said report of IO, the contentions of defence that parties were having consensual sexual relationship for long, prima facie appear to be correct. Perusal of screenshots of various Whatsapp messages (especially at page no. 18, 19 and 22) also indicate towards the fact that parties were having intimate consensual relationship. Therefore, the contention

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of defence (that prosecutrix acted with vengeance by getting registered the present FIR only when wife of accused objected to their relationship on coming to know about same) cannot be brushed aside lightly. The rival contentions of the parties shall, however, be adjudged during course of trial only.

Therefore, considering the totality of circumstances and in view of aforesaid discussion and since accused is no more required for investigation, I am inclined to grant bail to accused. **Accordingly, accused/applicant Prabhas Monish Tyagi is admitted to bail on furnishing of Personal bond to the tune of Rs. 50,000/- with one surety of like amount to the satisfaction of concerned MM/Duty MM subject to the following conditions:**

1. The accused shall not contact the prosecutrix or her family members in any manner.
2. The accused/applicant shall not leave the country without prior permission of the court.
3. The accused/applicant shall not tamper with the evidence or threaten the witnesses.
4. The accused/applicant shall intimate the Court in case of change of their addresses.
5. The accused shall not commit any similar offence.

If the applicant/accused is found to be violating any of the above conditions, the State shall be at liberty to move an application for cancellation of bail.

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Copy of this order be sent to concerned Ld. Magistrate/SHO/IO, PS Burari and concerned jail superintendent for information . Dasti be given to Ld. counsel through e-mail , if requested. I may clarify that nothing expressed herein shall tantamount to an expression on the merit of present case.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Kali @ Rajinder**

**FIR No: 178/20**

**Under Section: 307/308/120B/34 IPC and 25/27/54 Arms Act**

**PS: Subzi Mandi**

**18.07.2020**

**Through video conferencing**

**This is fresh application for grant of anticipatory bail filed on behalf of the applicant.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Vivek Aggarwal, Ld. Counsel for the applicant.**

**Sh. Dilip Rana, Ld. Counsel for victims.**

**Reply filed by the IO. Copy supplied to defence electronically.**

**Ld. Counsel for victims undertakes to file vakalatnama by 20.07.2020. Directed accordingly.**

**Part arguments heard.**

**Presence of SHO/IO is required for certain clarifications.**

**Accordingly, they are directed to join the proceedings on next date of hearing i.e. 23.07.2020. Ld. APP for State shall ensure through concerned SHO/IO that the copy of CCTV footage of the incident is transmitted to this court well before next date of hearing.**

**Put up for further hearing on 23.07.2020.**

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**(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020**

**State Vs. Abdul Kareem**

**FIR No: 266/20**

**Under Section: 420 IPC**

**PS: Civil Lines**

**18.07.2020**

**Through video conferencing**

**This is fresh application for grant of interim bail (on medical grounds) filed on behalf of the applicant.**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Faheem Alam, Ld. Counsel for the applicant.

Reply filed by the IO. Copy supplied.

This is fifth application for bail filed on behalf of accused. However, the factum of dismissal of earlier applications was not mentioned by Ld. Counsel in the instant application.

After arguing for some time, Ld. Counsel seeks liberty to withdraw the present application. **Accordingly, the present application stands disposed off as withdrawn.**

Needless to say, in case the medical condition of accused is not well as claimed by counsel, concerned jail superintendent shall provide adequate medical care and treatment to accused as per jail rules.

Copy of this order be sent to concerned Jail Superintendent as well as IO for information and compliance.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Irfan @ Gandhi @ Dada**

**FIR No: 217/17**

**Under Section: 304/323/34 IPC**

**PS: Darya Ganj**

**18.07.2020**

**Through video conferencing**

**This is fresh application for grant of interim bail received from jail and filed through DLSA on behalf of the applicant.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Alok Bajpayee, Ld. Legal Aid Counsel for the applicant.**

**I have heard rival contentions and perused the record.**

**Earlier application for interim bail of the accused was dismissed by this court vide order dated 23.06.2020 with the following observations:**

*“As per report of IO, accused is involved in 5 more cases of which he has been convicted in two cases. Therefore, the applicant does not fulfill the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020. In these circumstances, the application seeking interim bail stands dismissed.”*

**There is no change of circumstances, since passing of order dated 23.06.2020 and present application is to meet the same fate as case of applicant is not covered vide any of the guidelines laid down by High Powered Committee.**

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**In view of the aforesaid discussion, application for bail moved on behalf of the applicant stands dismissed. Copy of this order be sent to Ld. LAC as well as Jail Authorities by official email ID. Another copy of this order be also sent to IO for information.**

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Vijay**

**FIR No: 162/20**

**Under Section: 307/452/34 IPC**

**PS: Subzi Mandi**

**18.07.2020**

**Through video conferencing**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Deepak Sharma, Ld. Counsel for the applicant.**

**Sh. Dilip Rana, Ld. Counsel for the complainant along with complainant.**

**Deputed IO SI Puneet Bharti in person.**

This is second application moved on behalf of the applicant seeking bail. The first of such application was dismissed by Ld. ASJ (on duty) vide detailed order dated 23.06.2020. Ld. Defence Counsel has vehemently argued that there is change of circumstance as earlier application was dismissed by Ld. ASJ on the ground that the victim/complainant (with whom the matter has been settled) was not present whereas, today counsel on behalf of both the victims along with one of the victims i.e. complainant Naresh is present and ready to make submission in this regard.

Per contra, Ld. APP for State has argued for dismissal of bail on the ground that earlier application of accused (for grant of anticipatory bail) was dismissed by Ld. ASJ and there is no change of circumstance since passing of said order.

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I have heard rival contentions and perused the record.

The earlier application of accused was dismissed by Ld. ASJ vide detailed order dated 23.06.2020 while considering all the contentions which have been raised in present application. Perusal of order dated 23.06.2020 reveals that Ld. ASJ while noting down facts in details has observed as follow:

*“Allegations against accused/applicant are of serious nature. Investigation of the case is at initial stages and even charge-sheet has not been filed. Today, neither complainant/victim i.e. Naresh nor his brother i.e. Dal Chand (injured) have appeared in court. The offence in question is non-compoundable one. Tempering with the evidence/witnesses cannot be ruled out at this stage.*

*Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.”*

Therefore, it is clear that the earlier application moved on behalf of accused/applicant was dismissed by Ld. ASJ keeping in view the totality of facts and circumstances and non-absence of complainant was only one such factor and not the sole factor. Ld. ASJ has specifically observed that the allegations against accused/applicant are serious in nature and tampering with evidence/witnesses cannot be ruled out at this stage. It was further observed that the offence in question is non-compoundable.

In the case of **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another, (2005) 2 SCC 42**, the Hon'ble Supreme Court observed as follows:

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"Ordinarily, the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds, as the same it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."

In the case of **State of Tamil Nadu vs S.A. Raja Appeal (crl.) 1470 of 2005** decided on 26 October, 2005, the Hon'ble Supreme Court held as follows:

*"Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."*

In the case of **Harish Kathuria & Anr. Vs. State, Bail Application No. 1135/2011**, decided on 18.08.2011, the Hon'ble High Court of Delhi has observed as follows :

*"Successive bail applications can be filed as has been held in the catena of judgments but then it has been observed that there must be change in circumstances which warrant fresh consideration of the application. Successive bail applications without there being any change in circumstances is not only to be deprecated but is in effect a gross abuse of the processes of law which must be visited with some amount of sanction by way of cost for wasting the time of the Court. There are cases of persons who are languishing in jail for wanting their appeals to be heard for want of time while as unscrupulous persons like the petitioners, who have embarked on a forum shopping or rather be called a bench hopping, are wasting the time of the Court."*

As there is no change in circumstances after dismissal of previous application for bail and, therefore, the instant application is also to meet the same fate.

Ld. Counsel for accused has vehemently argued that matter has been settled with the complainant and Ld. Counsel for complainant is ready to make submission in this regard. However in my considered view, the matter being non-compoundable, any compromise between parties would hardly be of any relevance for outcome of present bail application moreso when the allegations are quite grave in nature. It appears that the accused is attempting to interfere with the fair course of trial by contacting the victims and trying to influence them.

**In view of the aforesaid discussion, application for bail moved on behalf of the applicant Vijay stands dismissed.** Copy of this order be sent to Ld. Defence Counsel by official email ID, if requested. Another copy of this order be also sent to IO for information.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Ravinder @ Sarda**

**FIR No: 162/20**

**Under Section: 307/452/34 IPC**

**PS: Subzi Mandi**

**18.07.2020**

**Through video conferencing**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Deepak Sharma, Ld. Counsel for the applicant.

Sh. Dilip Rana, Ld. Counsel for the complainant along with complainant.

Deputed IO SI Puneet Bharti in person.

This is second application moved on behalf of the applicant seeking bail. The first of such application was dismissed by Ld. ASJ (on duty) vide detailed order dated 23.06.2020. Ld. Defence Counsel has vehemently argued that there is change of circumstance as earlier application was dismissed by Ld. ASJ on the ground that the victim/complainant (with whom the matter has been settled) was not present whereas, today counsel on behalf of both the victims along with one of the victims i.e. complainant Naresh is present and ready to make submission in this regard.

Per contra, Ld. APP for State has argued for dismissal of bail on the ground that earlier application of accused (for grant of anticipatory bail) was dismissed by Ld. ASJ and there is no change of circumstance since passing of said order.

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I have heard rival contentions and perused the record.

The earlier application of accused was dismissed by Ld. ASJ vide detailed order dated 23.06.2020 while considering all the contentions which have been raised in present application. Perusal of order dated 23.06.2020 reveals that Ld. ASJ while noting down facts in details has observed as follow:

*“Allegations against accused/applicant are of serious nature. Investigation of the case is at initial stages and even charge-sheet has not been filed. Today, neither complainant/victim i.e. Naresh nor his brother i.e. Dal Chand (injured) have appeared in court. The offence in question is non-compoundable one. Tempering with the evidence/witnesses cannot be ruled out at this stage.*

*Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.”*

Therefore, it is clear that the earlier application moved on behalf of accused/applicant was dismissed by Ld. ASJ keeping in view the totality of facts and circumstances and non-absence of complainant was only one such factor and not the sole factor. Ld. ASJ has specifically observed that the allegations against accused/applicant are serious in nature and tampering with evidence/witnesses cannot be ruled out at this stage. It was further observed that the offence in question is non-compoundable.

In the case of **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Another**, (2005) 2 SCC 42, the Hon'ble Supreme Court observed as follows:

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*"Ordinarily, the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds, as the same it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."*

In the case of **State of Tamil Nadu vs S.A. Raja Appeal (crl.)**

**1470 of 2005** decided on 26 October, 2005, the Hon'ble Supreme Court held as follows:

*"Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."*

In the case of **Harish Kathuria & Anr. Vs. State, Bail Application No. 1135/2011**, decided on 18.08.2011, the Hon'ble High Court of Delhi has observed as follows :

*"Successive bail applications can be filed as has been held in the catena of judgments but then it has been observed that there must be change in circumstances which warrant fresh consideration of the application. Successive bail applications without there being any change in circumstances is not only to be deprecated but is in effect a gross abuse of the processes of law which must be visited with some amount of sanction by way of cost for wasting the time of the Court. There are cases of persons who are languishing in jail for wanting their appeals to be heard for want of time while as unscrupulous persons like the petitioners, who have embarked on a forum shopping or rather be called a bench hopping, are wasting the time of the Court."*

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As there is no change in circumstances after dismissal of previous application for bail and, therefore, the instant application is also to meet the same fate.

Ld. Counsel for accused has vehemently argued that matter has been settled with the complainant and Ld. Counsel for complainant is ready to make submission in this regard. However in my considered view, the matter being non-compoundable, any compromise between parties would hardly be of any relevance for outcome of present bail application moreso when the allegations are quite grave in nature. It appears that the accused is attempting to interfere with the fair course of trial by contacting the victims and trying to influence them.

**In view of the aforesaid discussion, application for bail moved on behalf of the applicant Ravinder @ Sarda stands dismissed. Copy of this order be sent to Ld. Defence Counsel by official email ID, if requested. Another copy of this order be also sent to IO for information.**

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
18.07.2020

**State Vs. Ravi**

**FIR No: 162/20**

**Under Section: 307/452/34 IPC**

**PS: Subzi Mandi**

**18.07.2020**

**Through video conferencing**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Deepak Sharma, Ld. Counsel for the applicant.

Sh. Dilip Rana, Ld. Counsel for the complainant along with complainant.

Deputed IO SI Puneet Bharti in person.

This is second application moved on behalf of the applicant seeking bail. The first of such application was dismissed by Ld. ASJ (on duty) vide detailed order dated 23.06.2020. Ld. Defence Counsel has vehemently argued that there is change of circumstance as earlier application was dismissed by Ld. ASJ on the ground that the victim/complainant (with whom the matter has been settled) was not present whereas, today counsel on behalf of both the victims along with one of the victims i.e. complainant Naresh is present and ready to make submission in this regard.

Per contra, Ld. APP for State has argued for dismissal of bail on the ground that earlier application of accused (for grant of anticipatory bail) was dismissed by Ld. ASJ and there is no change of circumstance since passing of said order.

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I have heard rival contentions and perused the record.

The earlier application of accused was dismissed by Ld. ASJ vide detailed order dated 23.06.2020 while considering all the contentions which have been raised in present application. Perusal of order dated 23.06.2020 reveals that Ld. ASJ while noting down facts in details has observed as follow:

*“Allegations against accused/applicant are of serious nature. Investigation of the case is at initial stages and even charge-sheet has not been filed. Today, neither complainant/victim i.e. Naresh nor his brother i.e. Dal Chand (injured) have appeared in court. The offence in question is non-compoundable one. Tempering with the evidence/witnesses cannot be ruled out at this stage.*

*Keeping in view the aforesaid facts and circumstances, I find no merits in the present application. The same is hereby dismissed and disposed of accordingly.”*

Therefore, it is clear that the earlier application moved on behalf of accused/applicant was dismissed by Ld. ASJ keeping in view the totality of facts and circumstances and non-absence of complainant was only one such factor and not the sole factor. Ld. ASJ has specifically observed that the allegations against accused/applicant are serious in nature and tampering with evidence/witnesses cannot be ruled out at this stage. It was further observed that the offence in question is non-compoundable.

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*"Ordinarily, the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds, as the same it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."*

In the case of **State of Tamil Nadu vs S.A. Raja Appeal (crl.) 1470 of 2005** decided on 26 October, 2005, the Hon'ble Supreme Court held as follows:

*"Of course, the principles of res judicata are not applicable to bail applications, but the repeated filing of the bail applications without there being any change of circumstances would lead to bad precedents."*

In the case of **Harish Kathuria & Anr. Vs. State, Bail Application No. 1135/2011**, decided on 18.08.2011, the Hon'ble High Court of Delhi has observed as follows :

*"Successive bail applications can be filed as has been held in the catena of judgments but then it has been observed that there must be change in circumstances which warrant fresh consideration of the application. Successive bail applications without there being any change in circumstances is not only to be deprecated but is in effect a gross abuse of the processes of law which must be visited with some amount of sanction by way of cost for wasting the time of the Court. There are cases of persons who are languishing in jail for wanting their appeals to be heard for want of time while as unscrupulous persons like the petitioners, who have embarked on a forum shopping or rather be called a bench hopping, are wasting the time of the Court."*

As there is no change in circumstances after dismissal of previous application for bail and, therefore, the instant application is also to meet the same fate.

Ld. Counsel for accused has vehemently argued that matter has been settled with the complainant and Ld. Counsel for complainant is ready to make submission in this regard. However in my considered view, the matter being non-compoundable, any compromise between parties would hardly be of any relevance for outcome of present bail application moreso when the allegations are quite grave in nature. It appears that the accused is attempting to interfere with the fair course of trial by contacting the victims and trying to influence them.

**In view of the aforesaid discussion, application for bail moved on behalf of the applicant Ravi stands dismissed. Copy of this order be sent to Ld. Defence Counsel by official email ID, if requested. Another copy of this order be also sent to IO for information.**

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(Anuj Agrawal)  
ASJ-03, Central District  
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