

FIR No. 73/2018

PS ODRS

State v. Abdul Hakim Ansari

U/s 302/201 IPC

10.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
None for accused-applicant.

Hearing is conducted through video conferencing.

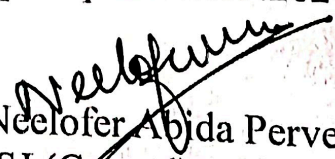
This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused Abdul Hakim Ansari in case FIR No. 73/2018 invoking the guidelines dated 18.5.2020 issued by the High Powered Committee of H'ble the High Court of Delhi in order to decongest the prisons in Delhi in the wake of outbreak of Covid-19 pandemic.

Ld. counsel for accused-applicant when contacted on phone for Webex hearing submits that he is out of station due to demise in his family and would return on 16.09.2020.

Ld. Addl. PP submits that reply of IO is already on record.

Custody certificate and conduct report has not been received from Jail Superintendent concerned. Custody certificate and conduct report be called for, once again, from the Jail Superintendent concerned in respect of the accused-applicant Abdul Hakim Ansari in case FIR No. 73/2018.

For report and consideration, put up on **16.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.09.2020

FIR No. 166/2018
PS: Pahar Ganj
State Vs. Sarwan Kumar Dass
U/s 302 IPC

10.09.2020

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Diwakar Chaudhary, LAC for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 15 days moved on behalf of accused Sarwan in case FIR No. 166/2018.

Ld. LAC for accused-applicant submits that accused-applicant fulfills all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as he is in custody since 20.06.2018 and has not been involved in any other criminal case besides the present one.

Heard.

Custody certificate alongwith conduct report is received. Accused-applicant is stated to be in custody for over two years in connection with present case FIR and his conduct is also reported to be satisfactory and no previous involvement is alleged against the accused-applicant. Accused-applicant fulfills the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons on Delhi due



to out break of covid-19 pandemic. The application is therefore allowed and accused-applicant Sarwan Kumar Dass is granted interim bail of 45 days upon furnishing personal bond in the sum of Rs.50,000/- to the satisfaction of Jail Superintendent concerned in the present case FIR and subject to the condition that accused-applicant shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned. In the event that after prior intimation to IO, accused-applicant leaves the territorial limits of NCR, he shall get his presence marked on weekly basis before the SHO of the local police station, which report shall be forwarded to the IO concerned and from the said mobile phone number as mentioned in the bonds he shall confirm his location with the IO once every week.

The Jail Superintendent shall ensure that conditions are mentioned in the bonds and are sufficiently explained to the accused-applicant.

Application stands disposed of.

Nalokum
(Neelofar Akhla Perveen)
ASJ (Central)THC/Delhi
10.09.2020

FIR No. 242/2018
PS Crime Branch
State v. Surya Mohan @ Raja
U/s 21 NDPS Act

10.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Paramjeet, counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This an application under Section 439 CrPC for grant of bail on behalf of accused Surya Mohan in case FIR No. 242/2018.

Reply is filed.

Arguments heard.

For orders, put up at **16.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.09.2020

FIR No. 88/2019

PS: NDRS

State Vs. Abhishek

U/s 363/365/342/384/323/34 IPC

10.09.2020

Present: Sh. K.P.Singh, I.d. Addl. PP for State (through video conferencing).


Sh. Sunil Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Abhishek in case FIR No. 88/2019.

Reply is filed.

Arguments heard. For orders, put up at 15.09.2020.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
10.09.2020

FIR No. 41/2018
PS Kashmere Gate
State v. Rashid
U/s 392/34 IPC

10.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vikas Aggarwal, counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This an application under Section 439 CrPC for grant of bail on behalf of accused Rashid in case FIR No. 41/2018.

Reply is filed.

Arguments heard.

For orders/clarifications, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.09.2020

At 4pm

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused Rashid in case FIR No. 41/2018.

Ld. counsel for accused-applicant contended that the applicant-accused is falsely implicated in the present case only on the basis



of a false disclosure recorded of the co-accused and that the applicant-accused has nothing to do with offence. That applicant-accused was arrested on 06/02/2018 from his house. That in the entire FIR complainant has not mentioned, anywhere that he can identify the accused person who escaped after the incident and even complainant had not seen the number plate of Scooty. That no recovery has been alleged from the applicant-accused. that the accused -applicant is not charged for commission of offence under section 397 IPC, and is in custody in connection with the present case now for over two and a half years. That the accused-applicant besides the present case was also falsely implicated in another case of the same date alleged to be part of the same incident, ie FIR no. 42/2018, whereas the present is FIR No41/2018, and the accused-applicant stands acquitted in the said case by this Court. That the accused-applicant is aged about 29 years old and a peace loving and law abiding citizen of India. That applicant-accused is not previously convicted and he is having clean antecedent and nothing to do with the commission of any offence. That the applicant-accused is a family person with his wife old aged mother and father. That family members of applicant accused is already facing financial hardship due to pandemic of COVID 19 for day to day expenses. That first bail application was dismissed on 21.05.2018 on ground of that this case was on initial stage at that time and main accused had disclosed name of applicant-accused in his disclosure statements. That the charge framed against applicant-accused vide order dated 05.07.2018 U/s 392/34 IPC only and he was discharged for offence under Section 397 IPC and

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25/54/59 Arms Act. Ld. counsel has relied upon judgment in **State of Maharashtra Vs Sitaram Popat 2004 Supp(3) SCR 696.**

Ld. Addl. PP, on the other hand, submitted that accused-applicant has played an active role in the commission of offence with his co-accused and he managed to escape from the spot while his accomplice was caught by the complainant at the spot. That accused-applicant does not have clean antecedents and has five previous involvement. That pervious bail application of the accused-applicant was dismissed on 19.08.2018. that the accused-applicant is identified as one of the accused by the complainant in the Court. That the regular bail application of co-accused Wasim has been dismissed yesterday and case of the applicant - accused is on the same footing.

Heard.

As per the case of the prosecution, on 05.02.2018 when the complainant alongwith his two friends was on his way to ISBT from Old Delhi Railway Station to board a bus to go Rohtak and had reached at Lothian Road, in front of Punjab and Sind Bank, two boys on a scooty, having no number plate, came to them and stopped them on the pretext of asking way, and in the meanwhile, boy on pillion seat took out a buttondar knife and aimed at the complainant and took out Rs.3000/- cash and his Samsung mobile phone having sim of Airtel and also robbed his two friends of their valuables i.e. Rs.15000/- and one black colour bag from Mayur and Rs.2000/- cash and LYF mobile phone from Mohit but when both the boys on scooty tried to flee away, complainant and his friend

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caught hold of the pillion rider (co-accused) however scooty rider i.e. accused-applicant managed to escape. The accused-applicant has been identified as the offender in this case by the complainant and another victim whose examination on this aspect stands concluded. The accused-applicant is not charged for commission of the offence under section 397IPC but under section 392IPC with the co-accused with the aid of section 34 IPC. The application for regular bail of the co-accused has been dismissed however the case of the accused-applicant is not on the same footing as the accused -applicant is charged for offence under section 392 IPC alone and not under section 397 IPC, and the minimum punishment is prescribed for the aggravated form of the offence under section 397 IPC whereas no such sentencing directions are attracted for an offence made punishable under section 392 IPC. The accused-applicant has undergone over two and a half years in custody. While disposing of the Bail application of the co-accused the proceedings have been preponed in order to expedite the trial however it cannot be lost sight of that in the prevailing circumstances arising out of the outbreak of the Covid-19 pandemic, and the restricted functioning of the Courts, trial is likely to take some time to conclude. In such facts and circumstances as the accused-applicant is not charged for offence under section 397 IPC and taking into consideration the period of incarceration already undergone, the accused-applicant is granted regular bail in case FIR No. 41/2018, upon his furnishing personal bond with two sureties in the sum of Rs. 50,000/- each, and subject to the condition that he shall mention the mobile phone number to be used by

N. K. Jaiswal