

Bail Application No.1817/21  
FIR No.174/2021  
P.S. Gulabi Bagh  
U/s 392/397/34 IPC  
State Vs. Nitin

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video through Conferencing Mode.

**Fresh application under Section 438 Cr.P.C., seeking anticipatory bail on behalf of applicant Nitin S/o Sh.Jagdish Prasad received.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Parsanna Aggarwal, Ld. Counsel for  
applicant/accused through VC.

Let notice of the application be issued to IO/SHO to file reply on NDOH. IO to remain present on NDOH through CISCO Webex.

List for arguments on 15.07.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1818/21  
FIR No.505/2021  
P.S. Burari  
U/s 498A/406/34 IPC  
State Vs. Sunder Pal Singh

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video through Conferencing Mode.

**An application under Section 438 Cr.P.C., seeking anticipatory bail on behalf of applicant Sunder Pal Singh received.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Ld. Counsel for applicant/accused through VC.

Let notice of the application be issued to IO/SHO to file reply on NDOH. IO to remain present on NDOH through CISCO Webex.

List for arguments on 15.07.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1821/21  
FIR No.86/2021  
P.S. Subzi Mandi  
U/s 308/394/395/34 IPC  
State Vs. Anupam Pandey

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video through Conferencing Mode.

**An application under Section 439 Cr.P.C., seeking bail on behalf of applicant Anupam Pandey received.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Ld. Counsel for applicant/accused through VC.

Let notice of the application be issued to IO/SHO to file reply on NDOH. IO to remain present on NDOH through CISCO Webex.

List for arguments on 15.07.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1819/21  
FIR No.Not Known  
P.S.Burari  
U/s Not Known  
State Vs. Maheshwari Yadav

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Fresh application under Section 438 Cr.P.C., for grant of anticipatory bail on behalf of accused/applicant Maheshwari Yadav.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Ld. Counsel for applicant.

Let notice of the application be issued IO/SHO for NDOH.

List for arguments on 16.07.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1820/21  
FIR No.Not Known  
P.S.Burari  
U/s Not Known  
State Vs. Smt. Urmila Devi

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Fresh application under Section 438 Cr.P.C., for grant of anticipatory bail on behalf of accused/applicant Smt. Urmila Devi.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Ld. Counsel for applicant.

Let notice of the application be issued IO/SHO for NDOH.

List for arguments on 16.07.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1721/21  
FIR No.142/2021, P.S.Burari  
U/s 498A/377/34 IPC  
State Vs. Raju Koli

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 438 Cr.P.C., has been filed on behalf of accused Raju Kohli for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

IO/WSI Madhavi through VC.

Sh. Rajan Kumar, Ld. LAC for accused Raju Koli through VC.

Sh. Chandra Gupta Maurya, Ld. Counsel for complainant through VC.

It has been apprised by both the parties that connected matter is listed for 07.08.2021. Further, it has been submitted that co-accused Veer Singh has already been given interim protection till NDOH.

At joint request of both the parties, list the present matter on 07.08.2021. No coercive action shall be taken against accused Raju Kholi till NDOH. Accused is directed to join the investigation as and when required by the IO/SHO.

IO is directed to remain present on NDOH.

List for arguments on 07.08.2021.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021

FIR No.142/2021  
P.S.Burari  
U/s 498A/377/34 IPC  
State Vs. Rambeti

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 438 Cr.P.C., has been filed on behalf of accused Rambeti for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.  
IO/WSI Madhavi through VC.  
Sh. Rajan Kumar, Ld. LAC for accused Rambeti through VC.  
Sh. Chandra Gupta Maurya, Ld. Counsel for complainant through VC.

It has been apprised by both the parties that connected matter is listed for 07.08.2021.

At joint request of both the parties, list the present matter on 07.08.2021. Interim protection given vide order dated 30.06.2021 to accused Rambeti to continue till NDOH.

IO is directed to remain present on NDOH.

List for arguments on 07.08.2021.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021

Bail Application No.961/2021  
FIR No.124/2021  
P.S.Subzi Mandi  
U/s 420/120B/34 IPC  
State Vs. Om Pal Singh

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

This is an application under Section 438 Cr.P.C., has been filed for accused Om Pal Singh for grant of anticipatory bail of accused Om Pal Singh.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

IO/SI Rahul Roshan through VC.

Sh. S.L. Sagar, Ld. Counsel for accused Om Pal Singh.

Ld. Counsel for accused/applicant has submitted that he has not received the copy of the reply of the bail application. Naib Court is directed to supply the same to Ld. Counsel for applicant/accused.

At request of Ld. Counsel for accused, list for further hearing on the application on 19.07.2021. IO to remain present on NDOH through CISCO Webex.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**



Bail Application No.946/2021  
FIR No.124/2021  
P.S.Subzi Mandi  
U/s 420/120B/34 IPC  
State Vs. Hari Pal Singh

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 438 Cr.P.C., has been filed for accused Om Pal Singh for grant of anticipatory bail of accused Hari Pal Singh.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

IO/SI Rahul Roshan through VC.

Sh. S.L. Sagar, Ld. Counsel for accused Om Pal Singh.

Ld. Counsel for accused/applicant has submitted that he has not received the copy of the reply of the bail application. Naib Court is directed to supply the same to Ld. Counsel for applicant/accused.

At request of Ld. Counsel for accused, list for further hearing on the application on 19.07.2021. IO to remain present on NDOH through CISCO Webex.

Copy of the order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021

Bail Application No.1698/21  
FIR No.263/21  
P.S. Burari  
U/s 376/498-A/34IPC  
State Vs. Raj Kumar

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.  
Sh. R.K. Giri, Ld. Counsel for accused/applicant through VC.  
IO/WSI Madhi through VC.  
Complainant/Prosecutrix through VC.  
Sh. Vivekandand Mishra, Ld. Counsel for complainant through VC.

Further arguments heard.

Put up for orders on 4:00 p.m., today itself.

**ASJ/Special Judge, Electricity**

At this stage at 11:15 a.m., Sh. U.K. Giri, Ld. Counsel for applicant/accused has entered in the Court Room physically and has requested not pass any order as he would be filing further documents in order to substantiate his claim. He further submitted that he would be filing relevant documents within a week from today. Accordingly, be put up for filing of the same on 20.07.2021.

Earlier order stands modified accordingly.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1030/2021  
FIR No.370/2020  
P.S. Subzi Mandi  
U/s 420/34 IPC  
State Vs. Raman Bhutani

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Ankit Gupta and Ms. A. Goel, Ld. Counsel for applicant/accused Ram Bhutain through VC.

Sh. Sahil Puri, Ld. Counsel for complainant through VC.

IO SI Rahul Roshan on behalf of IO Inspector Ranvir Singh.

Ld. Counsel for both the parties have submitted that matter has been settled between the accused/applicant and the complainant and a MOU dated 23.04.2021 has been executed between them. It has been submitted that in pursuant to the above settlement an amount of Rs.10,00,000/- (Ten lacs only) through demand draft paid by the applicant/accused herein to the complainant. Ld. Counsel for complainant has submitted that he has no objection, if interim bail application of the accused herein is allowed.

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Bail Application No.1030/2021  
FIR No.370/2020  
P.S. Subzi Mandi  
State Vs. Raman Bhutani

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Submissions of both sides heard.

In the above noted circumstances and settlement arrived at between the parties and the nature of offence, the present application is allowed. Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned, subject to the conditions that he shall not leave the country without permission of the court & shall join the investigation & trial as and when required.

With these observations, the application moved U/s 438 Cr.PC on behalf of accused/ applicant namely Raman Bhutani for grant of anticipatory bail stands disposed off.

Copy of the order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.1267/2021  
FIR No.463/2020  
P.S.Timarpur  
U/s 307/34 IPC& 25/27 Arms Act  
State Vs. Sumit @ Kalu

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 439 Cr.P.C., on behalf of accused/applicant Sumit @ Kalu for grant of regular bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

IO/SI Ashok Meena through VC.

Sh. Virender Singh, Ld. Counsel for accused sunit @ kalu through VC.

IO has submitted that FSL result has not been yet received.

List for arguments on **09.08.2021**. Also issue notice to the Ahlmad/Reader of the Court concerned to produce the TCR before the Court one day prior to the next date of hearing.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021

Bail Application No.2550  
FIR No.634/20  
P.S. Wazirabad  
U/s 380 IPC  
State Vs. Amir Khan

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 438 Cr.P.C., on behalf of accused Amir Khan for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

None for the accused despite repeated calls since morning.

Perusal of record would reveal that even on the last date of hearing none has appeared for accused/applicant. It appears that applicant is not interested in pursuing his application. Accordingly, present application under Section 438 Cr.P.C., moved on behalf of accused Amir Khan is dismissed in default.

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**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No.2742  
FIR No.195/20  
P.S. Roop Nagar  
U/s 394/411/34 IPC  
State Vs. Ghanshyam @  
Buddha

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 439 Cr.P.C., on behalf of accused Ghanshyam @ Buddha for grant of interim bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

None for the accused despite repeated calls since morning.

IO/SI Sanjay Kaushik through VC.

Perusal of record would reveal that even on the last date of hearing none has appeared for accused/applicant. It appears that applicant is not interested in pursuing his application. Accordingly, present application under Section 439 Cr.P.C., moved on behalf of accused Ghanshyam @ Buddha is dismissed in default.

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**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

FIR No.566/2018  
P.S.Burari  
U/s 420/120-B/34 IPC  
State Vs. Amit Tyagi

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application under Section 438 Cr.P.C., moved on behalf of accused Amit Tyagi for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

IO/SI Satender Singh, PS Burari through VC.

Sh. Hansraj Singh, Ld. Counsel for accused Amit Tyagi through VC.

Ld. Counsel seeks permission to the Court to withdraw the present application for grant of anticipatory bail moved on behalf of accused/applicant Amit Tyagi with liberty to move a fresh application. In view of the submission, Court is inclined to accede to the request of the Ld. Counsel of accused. Accordingly, present application is dismissed as withdrawn with liberty to move a fresh application.

Copy of this order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021



FIR No.745/2015  
P.S. Roop Nagar  
U/s 380/451/34 IPC  
State Vs. Roshan Singh

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**This is an application moved on behalf of accused Roshan Singh for grant of regular bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Shiv Kumar, Ld. Counsel for the accused Roshan Singh through VC.

IO/HC Vijay Kumar, PS Roop Nagar through VC.

Vide this order, I shall dispose off the bail application moved on behalf of accused Roshan Singh.

TCR received. Same is perused.

Ld. Counsel for accused has submitted that this is the second bail application moved on behalf accused/applicant as earlier one was dismissed in default, not on merits. Ld. Counsel has submitted that accused has been in J/C since 27.02.2021 and has already spent four months in J/C. Ld. Counsel has further submitted that a perusal of

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FIR No.745/2015  
P.S. Roop Nagar  
U/s 380/451/34 IPC  
State Vs. Roshan Singh

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record would reveal that *prima facie* only allegation under Section 380 IPC is made out. Further, Ld. Counsel for accused has submitted that the chargesheet in the present matter has been filed. Lastly, Ld. Counsel for the accused has submitted that accused is the sole bread winner of his family and thus Ld. Counsel remonstrated that accused should be enlarged on bail.

*Per contra*, Ld. Additional PP for the State has submitted that vide order dated 15.06.2021 the bail application of accused was dismissed by the concerned Ld. MM. Further, on 07.02.2017 the accused had absconded from the proceedings and he was arrested on 27.02.2021 after a period of about four years. IO/HC Vijay has further submitted that 12 cases had been lodged against the accused herein out of which six pertain to State of Madhya Pradesh. The IO has expressed an apprehension that if accused is released on bail, he would commit similar offences again.

Submissions heard.

Perusal of record would reveal that accused is involved in 12 cases of similar nature. It is apparent that accused is a habitual offender. Accused might have even been sent to judicial custody in a few

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FIR No.745/2015  
P.S. Roop Nagar  
U/s 380/451/34 IPC  
State Vs. Roshan Singh

**-3-**

of these matters. He has not mended his recalcitrant ways. In view of the above discussion, this Court is not inclined to accede to the request of the Ld. Counsel of accused. Accordingly, this Court is not inclined to grant bail to the accused/applicant Roshan Singh at this stage, and therefore present application is hereby dismissed.

**TCR be sent back to the Court Concerned.**

Copy be this order be uploaded on the website of the Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

CNR No. DLCT01-002230-2020  
FIR No.83/17  
SC No.94/20  
P.S. Sadar Bazar  
State Vs. Mohd. Furqan

09.07.2021

File taken up today in view of Circular No.373-403/RG/DHC dated 28.06.2021 of Hon'ble High Court of Delhi.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

The then SHO Inspector Man Mohan singh, PS Sadar Bazar through VC.

Inspector Manmohan Singh has filed reply in terms of order dated 29.10.2020. It has been submitted by the then ATO/SHO that due to heavy law and order arrangement in the North District, chargesheet could not be filed within the limitation period.

Submissions heard. Inspector Manmohan Singh is warned to be careful in future. Delay is hereby condoned.

List for consideration on 07.10.2021.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No. 2642

FIR No. 94/21

U/s 420/411/34 IPC

P.S. Subzi Mandi

State Vs. Mohd. Jahangir

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 439 Cr.P.C. has been filed on behalf of accused Mohd. Jahangir for grant of regular bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Wahaj Ahmed, Ld. Counsel for applicant through VC.

IO/ASI Shailesh Sharma is present through VC.

Vide this order I shall dispose the present bail application.

Ld. Counsel for applicant / accused Mohd. Jahangir has submitted that FIR was registered on 27.02.2021 after a delay of three days from the date of incident i.e. 24.02.2021. Further, according to Ld. Counsel for applicant / accused no recovery of case property has been effected from the applicant / accused. Further, charge sheet in the matter has already been filed. Under these circumstances, Ld. Counsel has submitted that applicant be granted regular bail.

*Per-contra* Ld. Addl. PP for the State alongwith the IO have vehemently opposed the present regular bail application. It has been submitted that applicant / accused dishonestly induced the complainant to deliver money to him with a false promise that he would supply American dollars, but in fact supplied packets of newspaper only. It has also been submitted that recovery of Rs. 73,000/- has been effected from the applicant and gold ear rings purchased by the applicant of his share of Rs. 1.4 lakh has

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also been recovered. It has further been submitted that applicant has been previously involved in a similar matter and since his address has not been verified, he being resident of West Bengal, he ought not be grant bail.

Submissions heard.

A perusal of record and reply of the IO reveals that charge sheet has already been filed in the present matter. During the course of arguments it has come on record that co-accused Raju has already been granted interim bail. All the recoveries have been effected and no purpose would be served by detaining the applicant / accused further in J/C.

Accordingly, the accused Mohd. Jahangir is admitted on bail on furnishing bail bond and surety bond of Rs. 20,000/- with two local sureties of the like amount to the satisfaction of Ld. CMM/Ld.ACMM/Ld.MM/Ld.Link MM/Ld.Duty MM as the case may be, subject to the condition:-

1. He shall not visit the place of complainant or the witnesses in any manner during investigation or trial and shall not try to tamper the evidence or hamper the trial or investigation, in any manner.
2. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform any change without delay to the IO or to the Court as the case may be.
3. He shall join the investigation and attend the trial without any single default.

It is pertinent to note that any observations and expressions in this order shall not have any bearing on the merits of the case.

With these conditions bail application moved under Section 439 Cr.P.C. for grant of regular bail to applicant Mohd. Jahangir stands disposed off. TCR be sent back.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No. 2672  
FIR No. 103/2021  
U/s 376/328/506 IPC  
P.S. Wazirabad  
State Vs. Vinay Prabha

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Vinay Prabha for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.  
Sh. Girish Chander and Sh. Zaki Kazmi, Ld. Counsel for applicant / accused through VC.  
Sh. Rakesh Kaushik Ld. Counsel for complainant alongwith the complainant through VC.  
IO/WSI Ranjana is present through VC.

Before the Court could commence with the arguments, it has been apprised by Ld. Addl. PP for the State that reply of the IO is incomplete and the IO has sought some time to verify the certain documents.

Under these circumstances IO is directed to file complete report on 22.07.2021.

Interim order, if any to continue till the NDOH. Applicant is directed to join the investigation as and when called by the SHO/IO.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021

Bail Application No. 2673  
FIR No. 103/2021  
U/s 376/328/506 IPC  
P.S. Wazirabad  
State Vs. Aman Talwar

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Vinay Prabha for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.  
Sh. Girish Chander and Sh. Zaki Kazmi, Ld. Counsel for applicant / accused through VC.  
Sh. Rakesh Kaushik Ld. Counsel for complainant alongwith the complainant through VC.  
IO/WSI Ranjana is present through VC.

Before the Court could commence with the arguments, it has been apprised by Ld. Addl. PP for the State that reply of the IO is incomplete and the IO has sought some time to verify the certain documents.

Under these circumstances IO is directed to file complete report on 22.07.2021.

Applicant / accused Aman Talwar is hereby granted interim protection from arrest till NDOH.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.07.2021



**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE /  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1031/21

FIR No. 83/21

U/s 354/354-B/452/506/509/427 IPC

P.S. Timarpur

09.07.2021

State Vs. Deepak Mavi

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Deepak Mavi for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Santosh Kumar Sharma, Ld. Counsel for applicant through VC.

IO/SI Neelam is present through VC alongwith complainant.

On the previous date of hearing it has been observed by the Court that report was filed by the IO/WSI Neelam, according to which the concerned doctors of IHBAS (Institute of Human Behaviour and Allied Sciences) had stated that the nature of illness and opinion required qua accused herein, can be provided through **Standing Medical Board**, after complete assessment of the patient and in this regard, directions are required by the Court.

A perusal of record reveals that submission were made, especially on 27.05.2021, that the applicant / accused is suffering from mental illness. Out Patient Card Slip dated 08.01.2021, 23.01.2021 & 28.05.2021 had also been placed on record, however, this Court is not in a position to ascertain the nature of illness on the basis of the documents placed on record. Moreover, vide letter dated 15.06.2021 it has been communicated by Dr. Amit Khanna, Assistant Professor of Psychiatry and Dr. Deepak Kumar, Acting HOD Psychiatry & Dy. Medical Superintendent, IHBAS, to SI Rinku Kumar to clarify through the Court on the specific opinion needed in the present matter.

Accordingly issue notice to the above mentioned concerned doctors of IHBAS to constitute a Standing Medical Board to assess the patient/accused herein on the following parameters:-

1. Nature of medical illness which the patient is reeling under, if any.
2. Date from which he has been taking treatment to address this illness.
3. Symptoms, and general characteristics exhibited by a person suffering from such disease / illness.
4. Current medical status.
5. Fitness to stand trial.
6. Likelihood of amelioration of the condition of the accused.

At this stage IO has submitted that the whereabouts of the

applicant / accused are not known. At this juncture, Ld. Counsel for accused has submitted that he is ready to assist in ascertaining mental condition of the accused, and for that purpose, he would ensure the presence of the accused before the concerned doctors at IHBAS.

Under these circumstances, applicant/accused is hereby given interim protection from arrest till NDOH.

The IO is hereby directed to produce the accused before concerned doctors at IHBAS, with the assistance of Ld. Counsel for the accused, on a date convenient to the said doctors.

Put up for filing of report of the Standard Medical Board on 10.08.2021

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE / SPECIAL  
JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2299

FIR No. 193/2020

U/s 392/411/34 IPC

P.S. Wazirabad

State Vs. Love Tyagi @ Luv Tyagi

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Love Tyagi @ Luv Tyagi for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.

Sh. Mukesh Kalia, Ld. Counsel for applicant through VC.

IO/ASI Chhotey Lal is present through VC.

Vide this order I shall dispose off the anticipatory bail application.

Ld. Counsel for applicant / accused has submitted that the complainant did not name the applicant / accused in the FIR. Further, Ld. Counsel for applicant has invited the Court's attention to the reply of the IO, wherein it has come on record that the complainant has given a statement in the DCP Office, North that he does not want any action against the applicant herein, as applicant herein was not the assailant but is living in the neighbourhood.

Per-contra Ld. Addl. PP for the State alongwith the IO have opposed the present anticipatory bail application as per law.

Submission heard.

A perusal of the record and the proceedings which took place before the Public Grievance Cell of the North District reveals that an endorsement has been made by the ACP, Public Grievance Cell that “the grievance of the complaint no longer exists, therefore, the complaint may be filed for allegations not found to be proved”.

Under these circumstances, the Court is inclined to concur with the submissions of Ld. Counsel for applicant. Accordingly applicant is hereby granted anticipatory bail.

Thus, in the event of arrest, he shall be released on anticipatory bail on furnishing bail bond and surety bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO concerned, subject to the condition that he shall not leave the city / country without permission of the Court and shall join the investigation as and when required.

Accordingly, the present anticipatory bail application of applicant/accused Love Tyagi @ Luv Tyagi stands disposed of.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

Bail Application No. 1725/21  
FIR No. Not Known  
U/s Not Known  
P.S. Burari  
State Vs. Vishal

09.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

**Present application u/s 438 Cr.P.C. has been filed on behalf of accused Vishal for grant of anticipatory bail.**

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.  
Sh. Pradeep Kumar, Ld. Counsel for applicant alongwith applicant through VC.  
IO/ASI Ramvir Singh is present through VC.

As per the report of the IO no FIR has been registered against the applicant / accused Vishal and there is no likelihood of arrest. Accordingly, the present anticipatory application being infructuous, is hereby dismissed.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 1418/2021

FIR NO. 209/2021

U/S 376 IPC

STATE vs AMIT

09.07.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State through VC.  
Sh. Paras Punyani, Ld. Counsel for applicant / accused through VC.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. On the previous date of hearing, arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused submitted that applicant has been falsely implicated in the present case. He further submitted that applicant / accused has no criminal antecedents. He further submitted that both applicant and complainant were in a consensual physical relationship and were desirous of marrying each other. However, under the influence of her *Jija*, the complainant foisted this false case upon the accused. It was strenuously contended that the prosecutrix is

working as a Warden in University PG, Kamla Nagar and it was not possible for a male to enter the girls PG that too 3 – 4 times, and to establish physical relations with her, without her consent. Further, it was canvassed by Ld Counsel that the complainant had refused to undergo internal medical examination, and this should be factored into by the court, while adjudicating the present application. Lastly, it was submitted that investigation is complete and charge sheet has already been filed in this case. Thus, according to him, the accused ought to be enlarged on bail.

3. Ld. Counsel for applicant placed reliance upon the following judgments to substantiate his contentions, by primarily highlighting the difference between consensual sex and rape:-

- a. Naresh Vs. State of Haryana,  
CRM-M-7455-2019 decided by Hon'ble Punjab Haryana High Court on 19.03.2019
- b. Maheshwar Tigga Vs. State of Jharkhand,  
Crl. Appeal No. 635/2020 decided by Hon'ble Supreme Court of India on 28.09.2020
- c. Tilak Raj Vs. State of Himachal Pradesh, AIR 206
- d. Rohit Chauhan Vs. State of NCT of Delhi,  
Bail Application No. 311/2013 decided by Hon'ble High Court of Delhi on 22.05.2013
- e. G. Achyut Kumar Vs. State of Odisha,  
CRLA No. 940 of 2019 decided by Hon'ble High Court of Orissa on 21.05.2020.

4. *Per contra*, Ld Addl. PP for the State, assisted by Ld Counsel for the Complainant, vehemently opposed the application. At the very outset, reliance on the above judgments was objected to, as, according to



Ld Counsel for the complainant, these judgments were passed in appeal, after a full-fledged trial, and are not bail orders. It was also contended by Ld Counsel for the complainant that the father of the accused is in the Indian Army, and by virtue of being so, is in a position to influence the witnesses. Ld Addl. PP for the State also submitted that the allegations levelled against the accused are serious in nature. There is every apprehension that the accused might intimidate the witness thereby impacting the fairness of trial. It was submitted that the seriousness of the offence should weigh in the mind of the Court, and bail should thus be not granted.

5. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: The complainant had alleged that since 16.04.2021 she was working as a Warden in University PG A-30 Kamala Nagar when she came in contact with the accused herein, who was also working in another PG of the same owner. It was alleged that the accused mad a promise to marry her, and that she established physical relations with the accused, on the pretext of marriage. After having the aforementioned sexual relationship, the accused refused to marry her, and thus the present FIR came to be registered.

6. The very first contention of Ld Counsel for the complainant qua perusal of the judgments cited by the accused cannot be countenanced. Firstly, out of 5 judgments relied upon by the accused, three of them pertain *specifically* to bail matters. Secondly, in the perception of this

Court, a Court hearing a bail application is not precluded from perusing final judgments, as principles enunciated therein can be profitably applied while embarking on a quest to grasp and understand the ingredients of a particular provision of law. After all, we often read old cases because they are instructive of the legal process and present well-written, classical examples of rule-fact analysis. In fact, at para 8 of *Rohit Chauhan v State of NCT of Delhi(supra)*, the Hon'ble High Court, while deciding a bail application, has placed reliance on *Deepak Gulati v State of Haryana (2013) 7 SCC 675*, a case in which the Hon'ble Supreme Court dealt with an appeal filed by the *convicted* appellant.

7. Coming to the second objection qua exertion of influence by the father of the accused, the contention is at best, vague. There has been no mention of the rank etc. of the father of the accused, nor it has been argued in what manner the witness will be influenced or threatened. Significantly, during the course of arguments, Ld Counsel for the complainant had argued that the accused had shown the victim a pistol, and had threatened to kill her. However, this fact was denied by the IO SI Shashi, nor does this assertion find mention in either the complaint, or the statement made u/s 164 CrPc by the victim.

8. Ld. Counsel for the accused had placed reliance on *Tilak Raj vs State (supra)* presumably to contend that like in the said case, in the present case too, the prosecutrix allowed access to the accused to her PG room, and therefore ought to have known the likely outcome of this

action. Further, Ld Counsel for the accused referred to para 20 of the judgment of *Maheshwar Tigga vs State of Jharkhand(supra)* to contend that the consent of the prosecutrix was a conscious and deliberate choice, as distinct from an involuntary action or denial. Basically, the leitmotif discernible from the judgments cited by the accused allude to the inference that there is a stark difference between consensual sex, and rape, in which consent has been obtained on the pretext of marriage.

9. At this juncture, it would be apposite to peruse the following extracts of *Deepak Gulati (supra)*:

*“22. The instant case is factually very similar to the case of Uday (Supra), wherein the following facts were found to exist: I. The prosecutrix was 19 years of age and had adequate intelligence and maturity to understand the significance and morality associated with the act she was consenting to. II. She was conscious of the fact that her marriage may not take place owing to various considerations, including the caste factor.*

*III. It was difficult to impute to the accused, knowledge of the fact that the prosecutrix had consented as a consequence of a misconception of fact, that had arisen from his promise to marry her.*

*IV. There was no evidence to prove conclusively, that the appellant had never intended to marry the prosecutrix”*

10. In the present case also, the victim is aged about 20 years. No doubts have been raised on her maturity or soundness of mind. She was

aware that the accused belongs to a different caste and religion. During arguments, the Court also had an occasion to view a video clip wherein the prosecutrix can be seen and heard, and the accused can be heard too. The IO, during the arguments before the Court, had verified that the voice indeed belongs to the accused. What is of vital importance is the fact that at some point in the video, there is prima facie voice recording of the *victim* refusing to marry the accused, rather than the other way round. The IO had promptly informed the Court that this stage was arrived at after registering of the FIR, and earlier the victim was ready to marry the accused.

11. A perusal of the record would reveal that the accused is of young age of 21 years, and does not have criminal antecedents. He is in judicial custody since 26.05.2021. It has also come on record that the prosecutrix refused to get her internal examination conducted. In her statement u/s 164 CrPc the victim has averred that her Jija asked her to perform Court marriage with the accused and ask Rs. 30,000/- from the accused for the same. The victim has even levelled allegations against the IO. Be that as it may, the charge-sheet in the present matter has already been filed. Potency test of the accused has been conducted. Statement of the victim u/s 164 CrPC has already been recorded. The evidence has been collected. The issue of influencing the witness victim can be addressed by imposing strict conditions, non-adherence whereof would lead to revocation of the liberty granted.

12. It is thus apparent that no purpose would be served in keeping the

accused in custody any longer. Under these circumstances, this court is of the opinion that the accused be granted bail. Accordingly, the accused Amit is admitted on bail on furnishing bail bond and surety bond of Rs 30,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld MM/ Ld Duty MM as the case may be, subject to the following conditions:

- a. He shall not establish any contact with the prosecutrix or any other witness, nor try threaten influence, intimidate etc. any witness.
- b. He shall not hamper the trial or investigation in any manner.
- c. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
- d. He shall join the investigation/attend trial without default.

13. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.

14. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/  
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 2584

FIR NO. 260/2021

U/S 323/342/376/377/498A/506/509/34 IPC

09.07.2021

State vs Karan Singh

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State through VC.

Sh. Manoj Pant, Ld. Counsel for applicant through VC.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. On the previous date of hearing, arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused submitted that applicant has been falsely implicated in the present case. He further submitted that applicant / accused has no criminal antecedents. He further submitted that the applicant and complainant are family members, and the present FIR owes its genesis to family disputes which have cropped up between the husband and wife. Resultantly, the present FIR has been foisted upon the accused. It was strenuously contended that the accused has a plausible plea of alibi, and on 03.02.2021, the accused was at his office,

which is explicit from the attendance sheet. Ld. Counsel has submitted that the said attendance sheet dated 14.06.2021 has been duly verified by the IO. Further, it was canvassed by Ld Counsel that the place of incident is a crowded place, and it would be highly improbable that such an offence was committed, at such a place. Lastly, it was submitted that no recovery is required to be effected and thus the accused ought to be granted anticipatory bail.

3. Ld. Counsel for applicant placed reliance upon the following judgments to substantiate his contentions, by primarily highlighting the fact that in cases of false cases filed pursuant to family disputes, anticipatory bail ought to be granted:-

- a. Bhadresh Bipinbhai Sethi Vs. State of Gujarat & Anr.2016 (1) SCC 152
- b. Sumit Ramchandra Sabherwal Vs. The Senior Inspector of Police, Versova Police Station, Mumbai & Anr. 2017 SCC Online Bom 5750
- c. Satyendra Kumar Dubey and Ors. Vs. State of U.P. Criminal Misc. Bail Application No. 31704 of 2019 passed by Hon'ble Allahabad High Court on 06.08.21019

4. *Per contra*, Ld Addl. PP for the State, assisted by Ld Counsel for the Complainant, vehemently opposed the application. At the very outset, Ld. Addl. PP for the State submitted that the applicant is seeking the extraordinary remedy of anticipatory bail on frivolous grounds. According to him, serious allegations of rape have been levelled against the accused. Further, Ld. Counsel for complainant submitted that there

are only only submissions of family disputes, however, nothing has been placed on record. Ld Addl. PP for the State also submitted that the offences alleged are grave in nature. It was submitted that the seriousness of the offence should weigh in the mind of the Court, and anticipatory bail should thus be not granted.

5. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: The complainant had alleged that she got married on 29.10.2008 to Harpal Singh and that shortly after her marriage her husband and mother-in-law started abusing and beating her. The complainant alleged that on 13.12.2020, her husband and mother-in-law had gone out somewhere and her kids were playing outside, then the accused Karan, her brother-in-law, came in her room at around 6 PM – 7 PM in the evening and made physical relations with her forcefully. It was alleged that the family members hushed up the matter and continual incidents of abuse and beatings were also narrated. Thereafter, on 03.02.2021 she alleged that accused herein again forcefully made physical relations with her. Thereafter, complaint was made on 21.04.2021 about the incident, and thus the present FIR came to be registered.

6. It would be apt to address the very first contention of Ld Counsel for the complainant qua occurrence of family dispute. During the course of arguments Ld. Counsel for the accused placed reliance on ***Sumit Ramchandra Sabharwal (Supra) and Satender Kumar Dubey (Supra)***



wherein the family disputes were not confined within the four walls of the house, rather they had spilled out in the open and had taken the form of criminal and civil prosecutions. On this score, the contentions of Ld. Counsel for the complainant, that there are only oral submissions regarding family disputes, cannot be countenanced. This observation is fortified by the very fact that in the present FIR, allegations of not only sexual offences, but cruelty have also been levelled against family members. Further, a perusal of the complaint of the complainant itself would reveal that all was not hunky dory in the family, and relations had become sour to the extent that allegations of beating and abusing have been made.

7. In this context, it would also be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheikh (Supra)***:-

*“The principles for grant of anticipatory bail can be summarised as follows:-*

*(i) The complaint filed against the accused needs to be thoroughly examined, including the aspect whether the complainant has filed a false or frivolous complaint on earlier occasions. **The court should also examine the fact whether there is any family dispute between the accused and the complainant** and the complainant must be clearly told that if the complaint is found to be false or frivolous, then strict action will be taken against him in accordance with law. If the connivance between the complainant and the investigating officer is established then action be taken against the investigating officer in accordance with law.”*

8. Coming to the contention qua plea of alibi, prima facie it has been established by the IO that on 03.02.2021, i.e. one of the dates of alleged

incident, the accused was in office. During the course of proceedings, the IO had averred that the incident also took place in the evening of 03.02.2021 between 6PM – 7PM. It is a matter of record that on the said date, as per Google supported online attendance records of the company, the accused was in office from 10:19 AM to 19:05 PM. This plea of alibi thus belies the assertion of the complainant herein.

9. In the present case, the victim is a lady of mature age having two children aged 10 and 8 years. A bare perusal of her complaint would reveal that, according to her, soon after her marriage in 2008 her husband and mother-in-law used to abuse and beat her. It has not come on record as to what prevented her from filing complaints or making a PCR call (100 number call). The delay in filing the FIR, of an incident which took place on 13.12.2020 and 03.02.2021, is also an aspect which needs to be considered.

10. It is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these circumstances, this court is of the opinion that the accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

a) The petitioner shall furnish a personal bond in the sum of Rs.30,000/- with two sureties of the like amount out of which one of them should be the relative of the applicant/accused to the satisfaction of the SHO/IO.

b) The petitioner is directed not to leave NCT of Delhi without prior

permission of the Court.

- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- f) The accused shall not, directly or indirectly, contact or pressurize the prosecutrix, her family members or any other witness. In case any complaint is received from the prosecutrix that the petitioner is trying to contact her and trying to put pressure on her then the protection granted by this Court shall stand cancelled.

13. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.

14. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.07.2021**