

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

Bail Application No. 2445/21

FIR No. 735/21

U/s 363 IPC

P.S. Burari

04.10.2021

State Vs. Rahul Kumar

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.

Present application u/s 438 Cr.P.C. has been moved on behalf of applicant Rahul Kumar for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.

Sh. M.K. Sharma, Ld. Counsel for applicant.

IO/ASI Ramveer Singh also present.

Ld. Counsel for applicant/accused has submitted that the writ petition no. 24847 of 2021 pending before the Hon'ble High Court of U.P. has been disposed off with liberty granted to the petitioner to seek protection from appropriate authority i.e. SSP, Ghaziabad. It has also been apprised by Ld. Counsel for the applicant/accused that inadvertently order sheet dated 22.09.2021 of this Court has mentioned the writ petition number as 38717 of 20201 whereas the said number i.e. 38717 of 2021 is actually a diary / filing number. This error is hereby rectified.

Contd.....

Ld. Counsel has also submitted that the victim is major, and has placed reliance on Aadhar Card of victim. However, IO has placed on record a copy of High School Examination Certificate i.e. Matriculation Certificate to contend that petitioner is a minor.

At this juncture, Ld. Counsel for applicant/accused has placed on record copy of bail application no. 3741 of 2020 Kuldeep Vs. State Govt. of NCT of Delhi to contend that the Hon'ble High Court of Delhi in the said matter granted interim protection to the petitioner, in a case which had facts similar to the present one.

Under these circumstances, interim protection is hereby granted to the applicant/accused from arrest till the NDOH. The petitioner shall ensure that statement u/s 164 Cr.P.C. of the victim is recorded and shall also assist the IO in proper age enquiry.

Put up for further proceedings on 12.10.2021.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

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

Bail Application No. 2559/21
FIR No. 195/2020
U/s 394/411/34 IPC
P.S. Roop Nagar
State Vs. Ghanshyam @ Budha

04.10.2021

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.

Present application u/s 439 Cr.P.C. has been moved on behalf of applicant Ghanshyam @ Budha for grant of regular bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.

Sh. Dushyant Singh, Ld. LAC for applicant.

Let report of IO be called for 11.10.2021.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

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

BAIL APPLICATION NO. 2476/21
FIR NO. 525/21
PS Subzi Mandi
U/s 304/288/34 IPC
State vs Mohak Arora

04.10.2021

Present: Sh. Anil Kumar, Ld. Addl. PP for the State.

Ms. Vasu Singh, Ld. Counsel for the North MCD. She files V/N.

Sh. S.C. Mishra, ALO, Civil Lines, Delhi from North MCD.

IO/SI Vijay Singh also present.

Ld. Counsel for Commissioner, North MCD has placed on record an application seeking time for filing of compliance report by the Commissioner. Attached to the application is the internal note of the Department whereby the Commissioner, North MCD has directed CVO to take necessary action.

Under these circumstances, the application at hand is allowed, and the compliance report be filed on 06.12.2021.

It is further clarified that the police shall continue with its investigation *de hors* the inquiry by the municipal agency. Accordingly, copy of this order, alongwith order dated 27.09.2021 be sent to DCP concerned to take necessary action in terms of the said order, and file compliance report on the NDOH. Let the matter be tagged with the main case file.

Put up on 06.12.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

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

Bail Application No. 2198/21
FIR No. 137/20
U/S 420 IPC
P.S. Crime Branch
State Vs. Rajesh Sharma

04.10.2021

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.

Present application u/s 438 Cr.P.C. has been filed on behalf of applicant Rajesh Sharma for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for the State.
Sh. Vikas Singh, Ld. Counsel for applicant through VC.
IO/SI Rakesh Kumar also present.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that applicant / accused has a plausible plea of alibi in as much as the applicant being a physical education teacher was present in his school

namely John Milton Public School on 01.07.2020 between 8:30 AM to 1:30 PM. It was submitted that since the offence allegedly took place between 2:00 PM to 3:00 PM, it would not be possible for the accused to reach Delhi from Agra within a short span of period.

3. Per *contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the present anticipatory bail application as per law.
4. Submission heard and record perused.
5. A perusal of the record and additional report of the IO revealed that as per verification conducted from John Milton Public School, Agra it was revealed that school was open on 01.07.2020 and applicant/accused was present in the above school from 8:30 AM to 01:30 PM. It was further claimed by the school Principal that the accused did not go out of the school on that day and for substantiating that claim, she affirmed that if any staff wants to go out from school, the Principal shall issue the gate pass and mark on the attendance register. As per the IO a certified copy of attendance register was also provided by the school. It has also come to the fore that accused has joined the investigation.
6. Regarding the issue of joining investigation, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

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

(i).....

(ii).....

(iii) *It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. **In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.** A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”*

7. Accordingly, keeping in mind the facts and circumstances of this case, the fact that the applicant has put forth a plea of alibi and has already joined the investigation, this Court deems it fit to grant anticipatory bail to the applicant Rajesh Sharma on the following conditions:-

- i. In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in a sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- ii. The applicant is directed not to leave the country without prior permission of the Court.
- iii. The applicant shall join investigation as and when called for.

- iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - vi. The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
8. 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.
9. 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/04.10.2021

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

Bail Application No. 2475/21
FIR No. 721/21
U/s 308/34 IPC
P.S. Burari
State Vs. Vinay

04.10.2021

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.

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

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. R.K. Sharma, Ld. Counsel for applicant through VC.
IO/SI Manoj Kumar present.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant submitted that applicant/accused is in J/C since 25.08.2021. He further submitted that no custodial interrogation is required. He further submitted that complainant

was in a drunken condition and had beaten the applicant and his friend and also snatched the key of the motorcycle. It was further submitted that complainant had fallen on the divider as he was heavily drunk and therefore sustained injuries. Thus, the applicant ought to be granted bail.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application as per law. It was submitted that applicant/accused is also involved in case FIR No. 632/2020, U/s 308/506/34 IPC. It was submitted applicant is the main perpetrator in the present case as he hit the complainant with the cemented brick. Therefore, bail ought not to be granted.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged that that the present case was registered on the statement of complainant Tejbir Rana. On receiving a PCR call vide DD No.146 A PS Burari, IO reached at the spot i.e. Nathupura Mod, Near Hanuman Mandir, Burari, the complainant was found to be under treatment at Kapil Hospital and two motorcycles i.e. HR 42 C 3861 and DL 8SCC 1635 allegedly belonging to accused persons and complainant respectively were recovered and taken into police possession. Photographs of blood stains on road were taken and one broken piece of blood stained cemented brick was taken in police possession from the spot.

During the investigation, it has been revealed that while complainant was going towards his home on his motorcycle DL 8SCC 1635 and when he reached Nathupura Mor, near Hanuman Mandir Burari, two boys (accused Vinay Kaushik and Rahul Sisodiya) on a motorcycle were trying to stop one car, the complainant who was riding his motorcycle asked them not to do so and this made them furious and both of them then stopped his motorcycle forcefully and started beating him. Within few moments, two more boys (co-accused Unhit Panwar and applicant/accused Vipin Singh) came on their motorcycles and they also started beating him and during the beatings, accused Vinay Kaushik hit him with the cemented brick. When the complainant raised the alarm, the accused persons left one motorcycle Hero Splendor Pro on the spot and fled from the spot on seeing gathering of public.

During the investigation, it was revealed that the motorcycle HR 42 C 3861 Hero Splendor Pro left by the accused persons on the spot belongs to co-accused Vinay Kaushik who was arrested on 25.08.2021 and at his instance other two accused persons i.e. co-accused Unhit Panwar and applicant/accused Vipin Singh were also arrested and two more motorcycles used by the accused persons for fleeing the spot were seized and taken into police possession on the same day. All the above accused persons Vinay Kaushik, Vipin Singh and Unhit Panwar are presently running in

Judicial Custody. The co-accused Vinay Kaushik was identified by the complainant as the person who hit him with the cemented brick on his head at the time of his arrest. The co-accused Unhit Pawar and co-accused Vipin Singh were also identified during the arrest who alongwith their associates thrashed and mercilessly beaten the complainant. All the above four accused persons are friends and residing in the same locality. The investigation in the above case is at initial stage. Thus the present FIR came to be registered.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that as per the MLC the complainant has suffered severe injuries especially on his head which is CLW 6 cm long X 2 cm deep. The allegations of the accused that the complainant was in an inebriated condition stands belied upon a bare perusal of the MLC, wherein such fact has not been mentioned at all. Further, a perusal of the complaint made by the accused persons to the Police Commissioner containing that the complainant sustained injuries by falling himself, cannot be countenanced in the face of injuries suffered on various parts of the body, which cannot be sustained by a mere fall. Further, investigation is at a nascent stage.
6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, the role attributed to the accused herein and the fact that

investigation is at a nascent stage, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby dismissed.

7. 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.
8. 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/04.10.2021

Bail Application No.2519/21
FIR No. 493/2021
P.S. Subzi Mandi
U/s 392/394/34 IPC
State Vs. Pankaj

04.10.2021

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.

This is an application moved for accused/applicant Pankaj under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. Yashpal Bharti , Ld. Counsel for applicant/accused.

Ld. Counsel for accused/applicant seeks adjournment for filing of copy of social background report, social investigation report and counseling report on NDOH.

At request, list for arguments on 07.10.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

Bail Application No.2517/21
FIR No. 710/21
P.S. Burari
U/s 420/467/468/471/380/448/34 IPC
State Vs. Somwati Kaushik

04.10.2021

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.

This is an application moved for accused/applicant Somwati Kaushik under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. S.A. Rajput, Ld. Counsel for applicant.

Reply of IO received.

At this juncture, Ld. Counsel for the applicant submitted that he desires to withdraw the present application with liberty to move fresh application. At request, present application is dismissed as withdrawn. Applicant is at liberty to move fresh application.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

Bail Application No.1639/21,1638/21, 1637/21,1636/21
1636/21,1635/21,1634/21 & 1633/21
FIR No. 372/2020
P.S. Subzi Mandi
U/s 498A/406/34 IPC
State Vs. 1. Ajay, 2.Pramod, 3. Lalit, 4. Preeti, 5. Bijender, 6.
Rekha & 7. Muni Devi

04.10.2021

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.

This is an application moved for above-mentioned accused/applicant under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. Nishant Kaushik, Ld. Counsel for applicants.
Complainant Roshni in person.

Both parties submit that there are chances of settlement. At request, be listed for further proceedings on **09.11.2021**. Interim protection granted to the applicants vide order dated 21.06.2021 shall continue till NDOH.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

Bail Application No.2547/21
FIR No. 03/2020
P.S. Wazirabad
U/s 323/341/308/174A/34 IPC
State Vs. Ankit Kumar

04.10.2021

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.

This is an application moved for accused/applicant under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. Jitesh Kharti, Ld. Counsel for applicant through VC.

Report of IO received wherein it has been submitted that vide order dated 09.09.2021 in W.P. (CRL) No. 1693/2021 the present FIR has been quashed by Hon'ble High Court of Delhi. In view of the same, present application is not maintainable. Hence, application is dismissed being infructuous.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021

Bail Application No.2538/21
FIR No. 315/21
P.S. Timarpur
U/s 498A/406/34 IPC
State Vs. Vivek Negi

04.10.2021

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.

This is an application moved for accused/applicant Vivek Negi under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Anil Kumar, Ld. Addl. PP for State.
Sh. Sachin Kashyap, Ld. Counsel for applicant.
Sh. Pankaj Kumar, Ld. Counsel for complainant.

Both parties seek liberty to file relevant judgments and relevant documents to substantiate their claim on NDOH.

At request, list for arguments on 08.10.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/04.10.2021