

**B.A.No.2558/21
FIR No.182/21
PS DBG Road
State v. Nikhil Bairwa
&
B.A.No.2559/21
FIR No.182/21
PS DBG Road
State v. Vishal Bansal**

09.06.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through videoconferencing.

Sh. B.L. Madhukar, Counsel for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

Ld.APP submits that the IO has filed reply in terms of the previous order and has also forwarded the documents in accordance therewith. Let the reply be forwarded to Ld.Counsel for accused-applicant.

IO submits that as per PCR form the first call received in respect of the incident was of Nikhil Bairwa and second call was from Naveen complainant. The IO has also clarified that none of the accused was removed to the hospital by the PCR van. That there are CCTV cameras installed in the gali in front of the house of the complainant and also in the adjoining gali and the requisition has been forwarded for preservation and procurement of the CCTV

footage pertaining to the date of incident.

Arguments heard. For orders, put up at 4 p.m.



(Neelofer Abida Perveen)
Special Judge-02, NDPS/
ASJ, (Central), THC / Delhi
09.06.2021

At 4 pm

ORDER

These are two applications u/s 438 Cr.P.C. for grant of anticipatory bail on behalf of accused-applicants Nikhil Bairwa and Vishal Bansal in case FIR No.182/21.

Ld. counsel for the accused-applicants contended that accused-applicants have been falsely implicated. That accused-applicants have clean antecedents. That it is the complainant alongwith his brother who had passed derogatory remarks against the sister of the accused-applicant Nikhil Bairwa upon which the occurrence took place in course whereof complainant Naresh gave hard blow on the mouth of accused-applicant Nikhil due to which his two teeth were broken and when accused-applicant Vishal Bansal intervened but he was also subjected to beatings by the complainant and his brother. That call at 100 number was firstly made by the accused-applicant and the present FIR is counterblast to the FIR of the accused-applicants only to save their skins. That the MLC of the accused-applicant corroborates the

allegations. That no incident took place inside the house of the complainant in the manner as indicated but outside in the gali and that the incident would very well have been captured in the CCTV cameras installed at the several points along the said gali.

Heard.

There are two versions in respect of the same incident, the allegations raised by the complainant against the accused-applicant comprise of the present case FIR whereas the counter allegations constitute part of FIR No.183/2021 which is registered on the statement of the sister of the accused-applicant Nikhil Bhairwa. As per the version set forth under the present FIR on the statement of the complainant, the incident took place inside his house as the accused-applicants armed with rods entered his house and assaulted him and his brother. On the contrary it is brought forth from the contents of FIR No.183/2021 that while the sister of the accused-applicant Nikhil had gone to get ice cream on foot to ratan nagar derogatory remarks were made by the complainant and his brother who were standing next to ice cream vending cart. IO has sought custodial interrogation of the accused-applicants in order to recover the rod used as the weapon of offence taking into account these two contradictory versions allegations and counter allegations, and as the accused in the counter FIR are also not arrested, and as the CCTV footage from the CCTV cameras installed near the place of incident and the

house of the complainant would throw valuable light on the veracity of the allegations and counter allegations including as to the actual place of occurrence of the scuffle/assault, and which CCTV Footage is in the process of being procured, at this stage interim protection is being granted to the accused-applicants Nikhil Bhairwa and Vishal Bansal with directions to join investigation in Case FIR no. 182/2021, on **14.6.2021, 18.6.2021, 21.6.2021 and 25.6.2021** and as and when called upon to do so by the IO. In the meanwhile the IO shall obtain and analyse the CCTV Footage near the gali and the house of the complainant of the date of incident and file report.

For Report and consideration, put up on **28.06.2021**.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)
Special Judge-02, NDPS/
ASJ, (Central), THC / Delhi
09.06.2021

B.A.No.2615/21
FIR No.62/2021
PS Sadar Bazar
State v. Rahul @ Akshay S/o Sammi

09.06.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through videoconferencing.

Sh. Krishan Mohan, LAC for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application for release of accused-applicant on personal bond on behalf of accused-applicant Rahul @ Akshay in case FIR No.62/2021.

Ld. LAC submits that accused-applicant has been already been granted bail vide order dated 10.05.2021 on furnishing of personal bond and one surety in the sum of Rs.10,000/- each. That accused-applicant belongs to poor section of the society and is unable to arrange surety in the sum of Rs.10000/-. That accused-applicant may kindly be released on furnishing personal bond.

Heard.

In view of the submissions made and in view of the fact that accused-applicant has been granted bail and is still languishing in jail for want of surety, application is allowed and it is directed that accused-applicant Rahul @ Akshay be released on

furnishing personal bond in the sum of Rs.20,000/- to the satisfaction of the Ld. Trial Court/Duty MM and subject to the conditions, over and above those imposed under the order granting bail, that he shall mention the mobile phone number to be used by him and shall ensure that the same number is kept on switched on mode at all times with location activated and shared with the IO throughout and shall telephonically confirm his location with the IO on the first and fifteenth day of each calendar month. The accused shall not change the verified address and mobile phone number without prior intimation to the IO. That accused-applicant shall mark his presence before the IO/SHO of concerned PS on 30th of each calendar month.

Copy of order be forwarded to DLSA and the Jail Superintendent concerned for necessary compliance through electronic mode copy of order shall be served upon the accused-applicant through the Jail Superintendent concerned. The Jail visiting DLSA Counsel shall explain the conditions in vernacular to the accused-applicant. Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(Neelofer Abida Perveen)
Special Judge-02, NDPS/
ASJ, (Central), THC / Delhi
09.06.2021