

Bail Application No.940/2021
CNR No. DLCT01-00547502021
FIR No. 375/2020
P.S. Subzi Mandi
U/s 420/34 IPC
State Vs. Deepak Gupta

08.09.2021

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 Deepak Gupta under Section 438 Cr.P.C., for grant of bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. Ravi Drall, Ld. Counsel for applicant through VC.
IO/SI Rahul Raushan through VC.

Arguments could not be heard due to constant poor quality of audio and video.

At request matter is adjourned for physical hearing.

List for arguments on 15.09.2021.

Interim order, if any, to continue till NDOH.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2302/2021
FIR No. Not Known
P.S. Burari
U/s 406/498A/34 IPC
State Vs. Bharti Kumari

08.09.2021

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 Bharti Kumari under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. N.D.Patel, Ld. Counsel for applicant through VC.

Reply has been received from PS Burari under the signature of SI Manoj Kumar wherein it has been submitted that no complaint or FIR has been registered by the complainant namely Ritika Kumari against the applicant herein. In view of the reply, there is no apprehension of arrest of the applicant herein. Accordingly, present application is dismissed being infructuous.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2305/2021
FIR No. Not Known
P.S. Burari
U/s 406/498A/34 IPC
State Vs. Narender Kumar

08.09.2021

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 Narender Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. N.D.Patel, Ld. Counsel for applicant through VC.

Reply has been received from PS Burari under the signature of SI Manoj Kumar wherein it has been submitted that no complaint or FIR has been registered by the complainant namely Ritika Kumari against the applicant herein. In view of the reply, there is no apprehension of arrest of the applicant herein. Accordingly, present application is dismissed being infructuous.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2304/2021
FIR No. Not Known
P.S. Burari
U/s 406/498A/34 IPC
State Vs. Rajesh

08.09.2021

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 Rajesh under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. N.D.Patel, Ld. Counsel for applicant through VC.

Reply has been received from PS Burari under the signature of SI Manoj Kumar wherein it has been submitted that no complaint or FIR has been registered by the complainant namely Ritika Kumari against the applicant herein. In view of the reply, there is no apprehension of arrest of the applicant herein. Accordingly, present application is dismissed being infructuous.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2203/2021
FIR No. Not Known
P.S. Burari
U/s 406/498A/34 IPC
State Vs. Vikas Kumar

08.09.2021

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 Vikas Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. N.D.Patel, Ld. Counsel for applicant through VC.

Reply has been received from PS Burari under the signature of SI Manoj Kumar wherein it has been submitted that no complaint or FIR has been registered by the complainant namely Ritika Kumari against the applicant herein. In view of the reply, there is no apprehension of arrest of the applicant herein. Accordingly, present application is dismissed being infructuous.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2229/21
FIR No. 566/18
P.S. Burari
U/s 420/120B/34 IPC
State Vs. Amit Tyagi

08.09.2021

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 Amit Tyagi under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. Hansraj Singh, Ld. Counsel for applicant through VC.

Arguments could not be heard due to constant poor quality of audio and video.

At request matter is adjourned for physical hearing.

List for arguments on 13.09.2021.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

Bail Application No.2306/21
FIR No. 223/2021
P.S. Bara Hindu Rao
U/s 392/34 IPC
State Vs. Mohd. Zubair

08.09.2021

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 Mohd. Zubair under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
IO/SI Gangapal through VC.
Sh. Saurabh Tyagi, Ld. Counsel for applicant through VC.

At the outset, it was contended that the accused is a habitual offender on account of his drug addiction. This aspect has opposed by Ld. Counsel for accused. Under these circumstances before further arguments be heard, let complete **medical report be called from the Jail Superintendent qua drug addiction or other addiction**, if any, of the accused herein, alongwith steps taken by the jail authorities qua **treatment given to the accused** in this regard on NDOH.

List for further arguments on 14.09.2021.

Copy of this order be sent to the Jail Superintendent for compliance, if any, through electronic mode.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

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

Bail Application No. 418/21, 421/21 & 422/21

FIR No. 73/21

U/s 420/34 IPC

P.S. Burari

State Vs. 1. Dharmender Singhal @ Pinki

2. Abhishek Singhal

3. Sahil Singhal

08.09.2021

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 applications u/s 438 Cr.P.C. have been moved on behalf of applicants for grant of anticipatory bail.

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

Sh. Sh. Mukesh Sharma, Ld. Counsel for applicants through VC.

Sh. Vaibhav Sinha, Ld. Counsel for complainant through VC.

IO/SI Satender Singh present through VC.

Submission heard and record perused.

The present matter has been pending for adjudication of the anticipatory bail applications since 15.02.2021. Interim orders granting protection from arrest to the applicants/accused have been issued from time to time. It has been apprised that both the parties had appeared

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before the Mediation Centre and settled their disputes thereat, and vide order dated 07.04.2021 the Ld. Judge Incharge, Delhi Mediation Centre, Tis Hazari Courts had disposed of the matter after recording the terms of settlement between the parties, as has been mentioned in the said order.

A perusal of para-1 & 2 of the said order reveals that the matter was settled for an amount of Rs. 21 lacs to be paid as per the schedule mentioned in para-2 thereof. Out of the five installments, three installments have been timely paid by the accused persons. It has been submitted by both the counsels that only two installments remains to be paid. Ld. Counsel for the complainant has submitted that he has no objection to the grant of anticipatory bail subject to the conditions mentioned in para-3 of the order dated 07.04.2021.

Accordingly, since the accused has been paying installments in time, this Court deems it fit to allow the present anticipatory bail applications subject to the condition that on default of payment of any of the two remaining installments, the anticipatory bail shall stand cancelled and the IO will be at liberty to proceed as per law. The present anticipatory bail applications are allowed subject to the following additional conditions:-

- i. In the event of arrest, applicants they shall be released on anticipatory bail on furnishing a personal bond in a sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the SHO/IO.

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- ii. The applicants are directed not to leave the country without prior permission of the Court.
- iii. The applicants shall join investigation on 20.09.2021 and as and when called for by the IO.
- iv. The applicants are directed to give all their mobile numbers to the Investigating Officer and keep them operational at all times.
- v. The applicants shall give their address to the IO and if they changes the address they shall intimate the same to the IO.
- vi. The applicants shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicants are trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

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 applications stand disposed off.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021

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

BAIL APPLICATION NO. 1902/21
FIR NO. 71/2021
U/S 376/506 IPC
P.S. Wazirabad
State vs Amit Dedha

08.09.2021

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 the applicant Amit Dedha for grant of anticipatory bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for State through VC.
Sh. Sunil Chaudhary, Ld. Counsel for applicant through VC.
Sh. Santosh Shaw, Ld. Counsel for the prosecutrix through VC alongwith Sh. Nitin Sharma, Ld. Counsel.
Prosecutrix also present physically in the Court.
IO/SI Renu also present. She filed a reply.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant/accused. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that it was a consensual relationship and complainant was aware of the marital status of the applicant/accused. He further submitted that even after registration of the FIR, on four occasions complainant went to a hotel with applicant/accused. He further submitted that complainant and the accused had celebrated their birthdays in June and July. Ld. Counsel further submitted that complainant had filed affidavit dated 13.07.2021 averring that she knew accused Amit Dedha and she does not want to pursue the aforementioned case which was filed due to some misunderstanding and out of frustration and that she has no objection if accused is released on bail. It was submitted by Ld. Counsel that previously also two such similar affidavits were filed by the complainant.
3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the present anticipatory bail application as per law. Ld. Counsel for complainant submitted that the affidavit in question was signed by the complainant under duress as the accused had threatened to make video of the alleged sexual intercourse, viral. It was also submitted that the complainant and the accused did not celebrate the birthday together, rather it was accused who reached the house of the complainant to ask for forgiveness and also stated to the victim that he would divorce his wife and then marry her. It

was also submitted by Ld. Counsel for complainant that victim made a complaint to the police regarding the factum of meting out of threats by the accused to make their intimate video, viral. Ld. Addl. PP for the State and the IO have also submitted that that accused is absconding and has not joined the investigation, and since heinous offence has been committed, anticipatory 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 on the complaint of prosecutrix aged about 30 years a case FIR No. 71/21, U/s 376/506 IPC has been registered on 04.02.2021, in which prosecutrix has levelled allegations of sexual assault from the month of August, 2020 to December, 2020 on the pretext of marriage. Further she has alleged that accused Amit Dedha has never disclosed to prosecutrix about his marriage and three children and has given her in writing that they would marry and he would take her with him soon. During the course of investigation medical examination and counselling of the prosecutrix was got conducted from AAA Hospital and after that statement u/s 164 Cr.P.C. was recorded wherein she has corroborated with the initial version given in her complaint.
5. A perusal of the record reveals that serious allegations of commission of rape on the pretext of marriage have been levelled.

This fact assume significance in light of the fact that the accused was already a married man with three children. Before the Court, the complainant has levelled allegations that she was forced to meet the accused even after registration of the FIR, on account of threats meted out to her by the accused, to make their intimate video viral. During the course of arguments the victim had further averred that she and the accused had not met on Facebook, rather on another App i.e. Ludo, and thereby she was not aware of marital status of the applicant/accused. Further, as has been mentioned in order of this Court dated 01.09.2021, the contents of averments made in para-6 & 8 of the affidavit of the applicant whereby it was contended that they used to stay together and they also used to purchase groceries from one Raju Confectionery, respectively, could not be verified. Further, as recorded in order dated 25.08.2021 it was recorded to the effect that Ld. Counsel for the applicant/accused conceded that the picture of the wife of the applicant/accused was not shown in the Facebook Account. It was also brought to the fore that proceedings u/s 82 Cr.P.C. have been initiated against the applicant accused.

6. Regarding non-joining of accused in investigation, it would be apposite to peruse the judgment ***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. 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 applicant, the fact that accused has not joined the investigation and proceedings u/s 82 Cr.P.C. have been initiated against him, and taking into account the fact that the victim has expressed her apprehensions qua the circulation of an intimate video by the accused, this Court is of the opinion that the applicant/accused ought not to be granted anticipatory bail. Accordingly, the present anticipatory bail application is hereby dismissed.
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 stand disposed off.

9. Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/08.09.2021