

CNR No.DLCT01-000185-2021

SC No.16/2021

FIR No.415/2015

PS Kotwali

U/s 395/397/365/201/412/120-B IPC & 25/54/59 Arms Act
State Vs. Sunil & Ors.

27/08/2021

File taken up today on the application u/s. 439 Cr.P.C. of the accused Sunil Rathore for extension of interim bail.

(Proceeding of the matter has been conducted through video conferencing in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

SI Satish Kumar is present.

Accused Sunil Rathore is present with Ld. Counsel Sh. Harsh Vardhan Sharma.

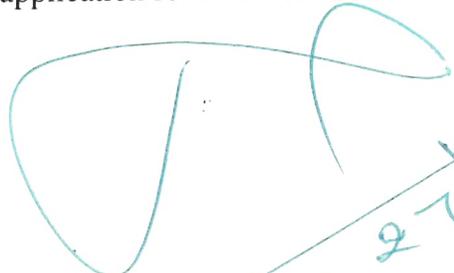
Reader and Assistant Ahlmad are on leave today.

It is submitted by counsel for the accused that inadvertently, some facts could not be mentioned in the present application for extension of interim bail and in view of the same, accused may be permitted to withdraw the present application for extension of interim bail of the accused Sunil Rathore with liberty to file fresh application. Heard. Request is allowed.

At the request of accused and his counsel, the present application for extension of interim bail of accused Sunil Rathore is dismissed as withdrawn. Accused is at liberty to file fresh application subject to just exceptions.

At this stage, fresh application for extension of interim bail for the period of

Contd...../2-


27/08/21

-: 2 :-

20 days of accused Sunil Rathore has been filed by counsel for the accused Sunil Rathore.

Reply to the aforesaid application has been filed by SI Satish Kumar.

By way of present order, this Court shall disposed of application for extension of interim bail for the period of 20 days of the accused Sunil Rathore.

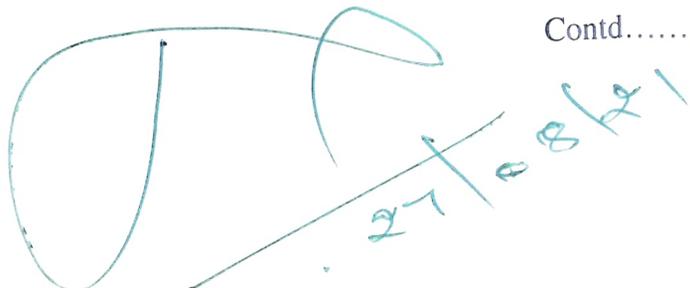
Arguments heard on the aforesaid application for extension of interim bail of the accused Sunil Rathore. Perused the material available on record.

During the course of arguments, it was submitted by counsel for the accused that in the present case, interim bail was granted to the accused Sunil Rathore vide order dated 06/08/2021 passed by this Court for the period of seven days from the date of release, for submerging the ashes of his brother-in-law and also to perform the last rites and rituals. It was further submitted that the accused was released from the jail on 21/08/2021 and period of interim bail is going to be expired today i.e. 27/08/2021. It was further submitted that during the aforesaid interim bail period, the accused has complied all the terms and conditions as mentioned in the interim bail order dated 06/08/2021 and has not misused the liberty granted to the accused by way of interim bail. It was further submitted that some of the rituals have been performed by the accused but ashes of his brother-in-law could not be submerged in the Ganga River, Allahabad due to the reasons as mentioned in the present application. It was further submitted that the interim bail of the accused Sunil Rathore be extended for the further period of 20 days for submerging the ashes of his brother-in-law in the Ganga River, Allahabad and also to perform remaining last rites/ rituals. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail of the accused is extended and accused shall not seek further extension of interim bail on any ground and accused shall surrender after the extended interim bail period.

During the course of arguments on the aforesaid application for extension of interim bail, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present application of the accused Sunil Rathore be dismissed.

Considering the facts, circumstances, submissions made, report filed by SI

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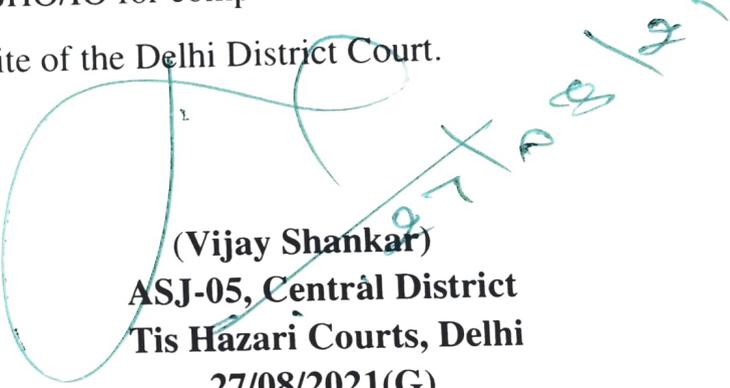
27/08/21

-: 3 :-

Satish Kumar and without going into the merits of the present case, the present application of the accused Sunil Rathore for extension of interim bail is allowed for the further period of seven days subject to the same terms and conditions as imposed vide order dated 06/08/2021 passed by this Court and also subject to the condition that the accused shall not seek further extension of interim bail on any ground. Accused shall surrender before the concerned Jail Superintendent after the expiry of extended interim bail period.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

CNR No.DLCT01-005812-2021
SC No.187/2021
FIR No.293/2020
PS Prasad Nagar
U/s 307/452/34 IPC
State Vs. Vinod @ Bada & Ors.

27/08/2021

File taken up today on the bail application u/s 439 Cr.P.C. of accused Davshree @ Chhotey for grant of interim/ regular bail.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)
(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.
Sh. Ashish Kapoor, Ld. Counsel for the accused Davshree @ Chhotey.
Reader and Assistant Ahlmad are on leave today.

It is submitted by counsel for the accused Davshree @ Chhotey that accused is on interim bail in the present matter as per the H.P.C. guidelines. It is further submitted by counsel for the accused that inadvertently, he has mentioned the present application as interim/ regular bail application of the accused and same be treated as application for extension of interim bail of the accused. It is further submitted that the present application of the accused be adjourned in the second week of September, 2021.

Counsel for the accused seeks time for clarifications.

At the request of counsel for the accused, the aforesaid application of the accused be put up for clarifications/ consideration on 13/09/2021. Date of 13/09/2021 is given at specific request and convenience of counsel for the accused.

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

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

CNR No.DLCT01-005812-2021
SC No.187/2021
FIR No.293/2020
PS Prasad Nagar
U/s 307/452/34 IPC
State Vs. Vinod @ Bada & Ors.

27/08/2021

File taken up today on the application of releasing of scooty bearing registration No.DL-2SR-2602 of the applicant Ankush Dubey on superdari.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

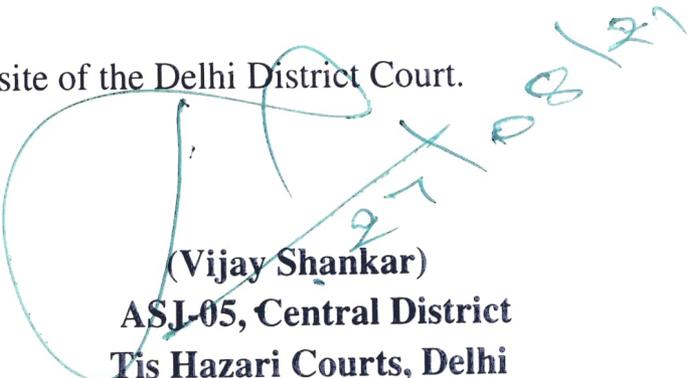
None has appeared on behalf of the applicant/accused Ankush Dubey.

Reader and Assistant Ahlmad are on leave today.

In the interest of justice, I am not passing any adverse order on account of non-appearance of the applicant/ counsel.

The aforesaid application of the applicant/ accused be put up for clarifications/ consideration on 09/09/2021.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

27/08/2021

An intimation/ letter bearing No.F.10/SCJ-10 Rohini/AS(UT)/2021/6069 dated 02/08/2021 was received from the Addl. Superintendent, Central Jail No.10, Rohini Jail, New Delhi.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

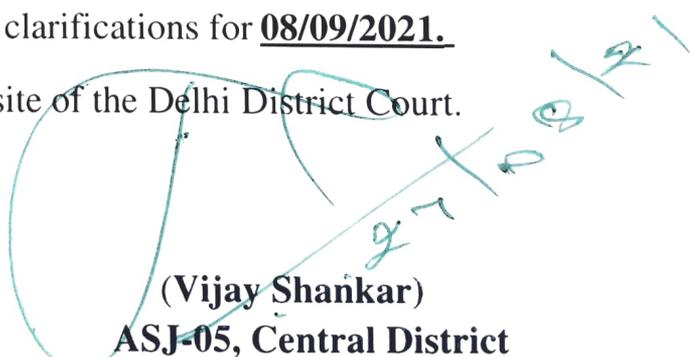
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.)

None has joined the proceedings through V.C. on behalf of the concerned Jail Superintendent.

Reader and Assistant Ahlmad are on leave today.

Issue fresh notice to the concerned Jail Superintendent to join the proceedings through V.C. for the purpose of clarifications for 08/09/2021.

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


(Vijay Shankar)

**ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)**

FIR No.303/2014
PS Subzi Mandi
U/s 302/307/120-B/34 IPC & 25/27 Arms Act
State Vs. Surrender & Ors.

27/08/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Surrender for grant of interim bail for the period of 90 days as per H.P.C. guidelines.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

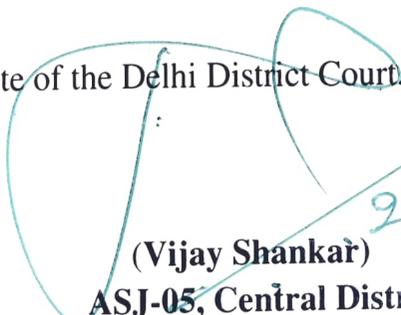
None has appeared on behalf of the accused Surrender since morning despite repeated calls.

Reader and Assistant Ahlmad are on leave today.

In the interest of justice, I am not passing any adverse order on account of non-appearance of counsel for the accused.

The aforesaid bail application of the accused be put up for clarifications/ consideration on **02/09/2021**.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

SC No.01/2021
FIR No.02/2010
PS Subzi Mandi
State Vs. Gulzar & Ors.

27/08/2021

File taken up today on the application of the applicant Samiruddin for issuing directions to passport authority for renewal of the passport bearing No.06205514 for the further period of 3 years.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

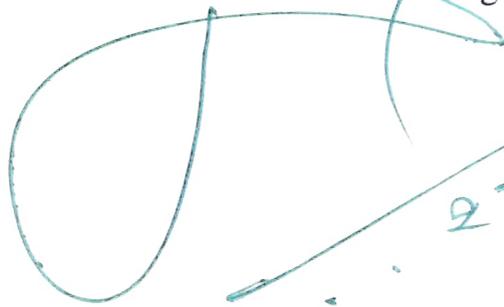
(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.
ASI Praveen Kumar, Naib Court (Crime Branch) from the Court of the Ld. CMM (Central), Tis Hazari Courts, Delhi is present.
Sh. Paras Punyani, Ld. Counsel for the applicant Samiruddin.

Reader and Assistant Ahlmad are on leave today.

It is submitted by Naib Court ASI Praveen Kumar that he has received a telephonic message from the Inter State Crime Branch, Chanakya Puri, Delhi that concerned Official is yet to be deputed for the purpose of filing the reply and time be granted for the purpose of filing the reply. Heard. Request is allowed.

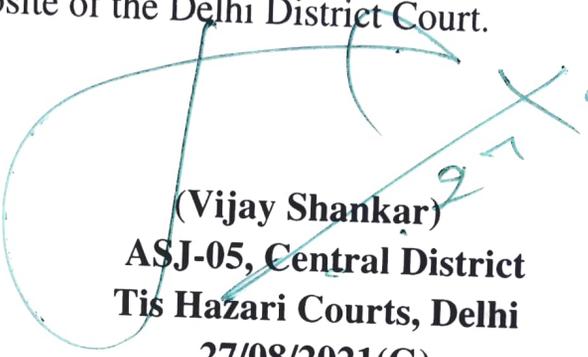
Issue notice to the IO to join the proceedings through V.C. and concerned SHO/ IO Crime Branch is directed to file detailed reply of the aforesaid application of the applicant positively on or before the next date of hearing.


27/08/21
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At the request of counsel for the applicant, the aforesaid application of the applicant be put up for consideration on 01/09/2021. Date of 01/09/2021 is given at specific request and convenience of counsel for the applicant.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

FIR No.98/2018
PS Sadar Bazar
U/s 302/307/34 IPC & 25/27/54/59 Arms Act
State Vs. Vikas @ Sanju & Ors.

27/08/2021

File taken up today on the bail application u/s 439 Cr.P.C. of accused Ranvir @ Rang Lal for grant of interim bail for the period of 20 days.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

IO/ SI Nishant is present.

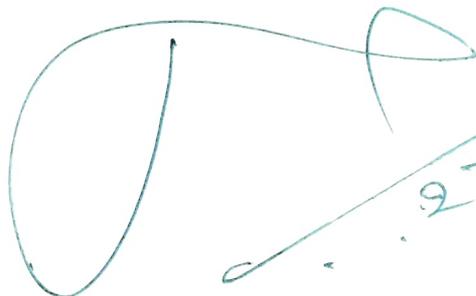
Sh. V.C. Bharti, Ld. Counsel for the accused Ranvir @ Ranglal.

Reader and Assistant Ahlmad are on leave today.

Reply to the aforesaid bail application of the accused has been filed by IO/ SI Nishant.

It is submitted by IO that verification report from the RML Hospital is awaited.

It is submitted by counsel for the accused that at present, HOD, Nephrology, RML Hospital, New Delhi is treating the sister of the accused and appropriate report regarding medical condition and treatment of sister of the accused be called from the HOD, Nephrology, RML Hospital, New Delhi. Heard. Request is allowed.


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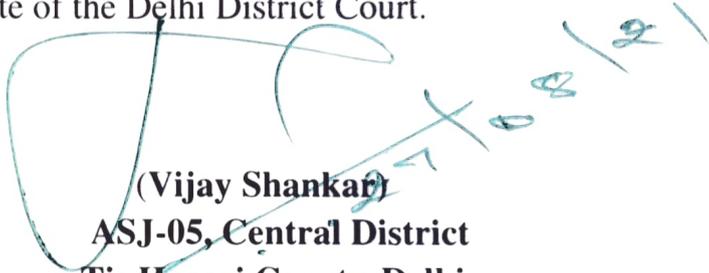
Issue notice to the HOD, Nephrology, RML Hospital, New Delhi to file appropriate/ detailed report regarding medical condition and treatment of sister of the accused on or before the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 02/09/2021. Date of 02/09/2021 is given at specific request and convenience of counsel for the accused.

IO/ SI Nishant is bound down for the next date of hearing i.e. 02/09/2021.

Copy of this order be sent to the HOD, Nephrology, RML Hospital, New Delhi for compliance.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

FIR No.02/2014
PS Jama Masjid
U/s 302/394/411/34 IPC
State Vs. Abdul Salam & Ors.

27/08/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Abdul Salam for grant of interim bail for the period of 90 days.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.
Mr. Rashid Hashmi, Ld. Counsel for the accused Abdul Salam.
Medical Officer In-charge, Central Jail No.10, Rohini, Delhi and treating doctors have not joined the proceedings through V.C.

Reader and Assistant Ahlmad are on leave today.

Vide order dated 25/08/2021, notice was issued to the Medical Officer In-charge, Central Jail No.10, Rohini, Delhi and all treating doctors of the accused with direction to join the proceedings through V.C. Today, this Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

Issue fresh notice to all doctors, who are at present treating the accused, to join the proceedings through V.C. for the purpose of clarifications in respect of treatment/ medical documents of the accused, for the next date of hearing.

Issue fresh notice to the Medical Officer In-charge, Central Jail No.10, Rohini, Delhi, to join the proceedings through V.C., for the next date of hearing.

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27/08/21

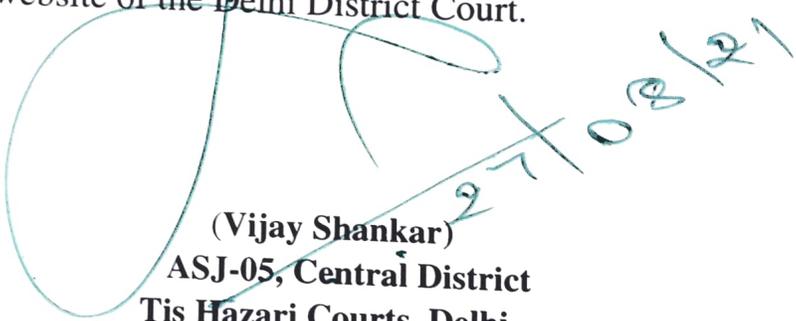
15/11/21
PDF 27/8/21

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At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on **28/08/2021**.

Meanwhile, Jail Authorities are directed to provide the requisite/ necessary/ immediate medical treatment to the accused, as per his medical condition on priority basis. Jail Authorities are also directed to provide the appropriate/ requisite diet to the accused, as per his medical condition. Jail Authorities are also directed to get the accused admitted in the Hospital inside the jail or outside the jail referral/ Govt. Hospitals, if required, as per rules.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

CNR No.DLCT01-000185-2021

SC No.16/2021

FIR No.415/2015

PS Kotwali

U/s 395/397/365/201/412/120-B IPC & 25/54/59 Arms Act

State Vs. Sunil & Ors.

27/08/2021

File taken up today on the application u/s. 439 Cr.P.C. of the accused Sunil Rathore for extension of interim bail.

(Proceeding of the matter has been conducted through video conferencing in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

SI Satish Kumar is present.

Accused Sunil Rathore is present with Ld. Counsel Sh. Harsh Vardhan Sharma.

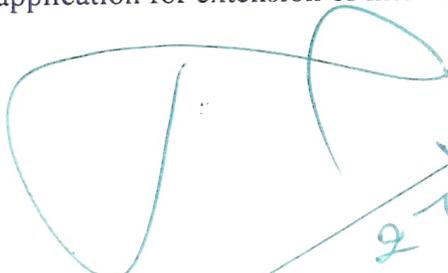
Reader and Assistant Ahlmad are on leave today.

It is submitted by counsel for the accused that inadvertently, some facts could not be mentioned in the present application for extension of interim bail and in view of the same, accused may be permitted to withdraw the present application for extension of interim bail of the accused Sunil Rathore with liberty to file fresh application. Heard. Request is allowed.

At the request of accused and his counsel, the present application for extension of interim bail of accused Sunil Rathore is dismissed as withdrawn. Accused is at liberty to file fresh application subject to just exceptions.

At this stage, fresh application for extension of interim bail for the period of

Contd...../2-


27/08/21

-: 2 :-

20 days of accused Sunil Rathore has been filed by counsel for the accused Sunil Rathore.

Reply to the aforesaid application has been filed by SI Satish Kumar.

By way of present order, this Court shall disposed of application for extension of interim bail for the period of 20 days of the accused Sunil Rathore.

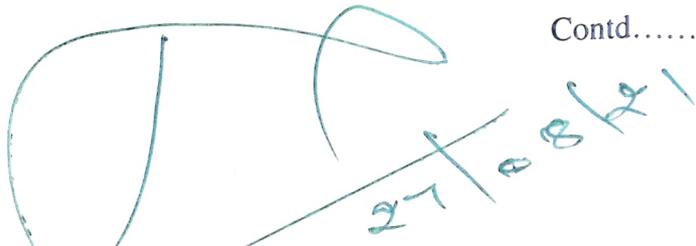
Arguments heard on the aforesaid application for extension of interim bail of the accused Sunil Rathore. Perused the material available on record.

During the course of arguments, it was submitted by counsel for the accused that in the present case, interim bail was granted to the accused Sunil Rathore vide order dated 06/08/2021 passed by this Court for the period of seven days from the date of release, for submerging the ashes of his brother-in-law and also to perform the last rites and rituals. It was further submitted that the accused was released from the jail on 21/08/2021 and period of interim bail is going to be expired today i.e. 27/08/2021. It was further submitted that during the aforesaid interim bail period, the accused has complied all the terms and conditions as mentioned in the interim bail order dated 06/08/2021 and has not misused the liberty granted to the accused by way of interim bail. It was further submitted that some of the rituals have been performed by the accused but ashes of his brother-in-law could not be submerged in the Ganga River, Allahabad due to the reasons as mentioned in the present application. It was further submitted that the interim bail of the accused Sunil Rathore be extended for the further period of 20 days for submerging the ashes of his brother-in-law in the Ganga River, Allahabad and also to perform remaining last rites/ rituals. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail of the accused is extended and accused shall not seek further extension of interim bail on any ground and accused shall surrender after the extended interim bail period.

During the course of arguments on the aforesaid application for extension of interim bail, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present application of the accused Sunil Rathore be dismissed.

Considering the facts, circumstances, submissions made, report filed by SI

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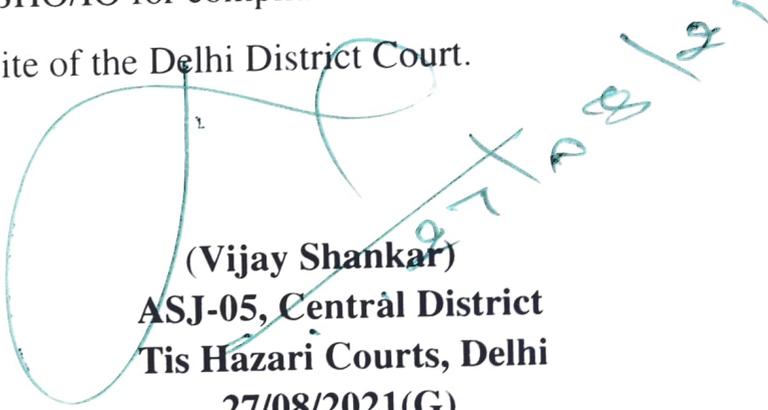
27/08/21

-: 3 :-

Satish Kumar and without going into the merits of the present case, the present application of the accused Sunil Rathore for extension of interim bail is allowed for the further period of seven days subject to the same terms and conditions as imposed vide order dated 06/08/2021 passed by this Court and also subject to the condition that the accused shall not seek further extension of interim bail on any ground. Accused shall surrender before the concerned Jail Superintendent after the expiry of extended interim bail period.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

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


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(G)

CNR NO. DLCT01-008779-2021
FIR No. 18/2021
PS Bara Hindu Rao
U/s 395/412/34 IPC
State Vs. Ashok @ Ganja & Ors.

27/08/2021

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

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi)

(Physical Hearing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State.

IO/ASI Arvind Kumar is present.

Sh. Deepak Bhardwaj, Ld. Counsel for the accused Sohan @ Sheru.

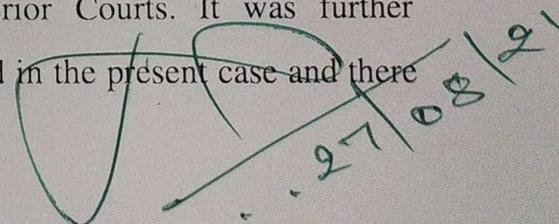
Reader and Assistant Ahlmad are on leave today.

TCR is already received.

By way of present order, this Court shall disposed of 2nd bail application u/s. 439 Cr.P.C. of the accused Sohan @ Sheru.

Arguments heard on the aforesaid bail application of accused Sohan @ Sheru. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Sohan @ Sheru that the first bail application of the accused was dismissed by this Court vide order dated 26/06/2021 and the present bail application is the 2nd bail application of the accused before Sessions Court after filing of the charge-sheet and no other bail application of the accused is pending/decided by the Hon'ble Superior Courts. It was further submitted that the accused has been falsely implicated in the present case and there

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is no incriminating evidence against the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as the charge-sheet has already been filed in the present case and same is pending before the concerned Ld. MM. It was further submitted that the IO has falsely implicated the accused in the present case only on the basis of disclosure statement of the co-accused Ashok @ Ganja. It was further submitted that no recovery has been effected from the possession of the accused. It was further submitted that the accused is not visible in the CCTV footage. It was further submitted that the accused had refused to join the TIP proceedings as the accused was already shown to the complainant when the accused was surrendering before the concerned Court. It was further submitted that during the last 5 years, the accused is not involved in any criminal case. It was further submitted that offence u/s. 395/412 IPC is not made out against the accused. It was further submitted that accused is in J/C since 05/04/2021 and no useful purpose will be served by keeping the accused behind the bars and bail be granted to accused and accused shall be abide by all terms and conditions imposed by the court.

During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that bail application of the accused Sohan @ Sheru was dismissed vide order dated 26/06/2021 passed by this Court and in the present bail application, no fresh ground has been mentioned by the accused. It was further submitted that part recovery was effected from the possession of the co-accused and remaining case property is yet to be recovered. It was further submitted that accused had refused to join the judicial TIP and co-accused are yet to be arrested. It was further submitted that accused and his associates have been captured in CCTV footage while committing the crime. It was further submitted that in the present case, charge is yet to be framed and complainant/ public witnesses are yet to be examined and if the bail is granted to the accused, he can tamper with the evidence and influence the witnesses. It was further submitted that accused is habitual offender and he is previously involved in 24 criminal cases of different nature. It was further submitted that there is sufficient

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incriminating material available on record against the accused and bail application of accused Sohan @ Sheru be dismissed.

It was held by the Hon'ble Supreme Court of India in case titled as "**Virupakshappa Gouda and Anr. Vs. State of Karnataka and Anr.**" {(2017) 5 SCC 406} that :

*"15. The court has to keep in mind what has been stated in **Chaman Lal v. State of U.P.** The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge. In **Prasanta Kumar Sarkar v. Ashis Chatterjee**, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:*

"9....among other circumstances, the factors which are to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to be believe that the accused had committed the offence.

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."

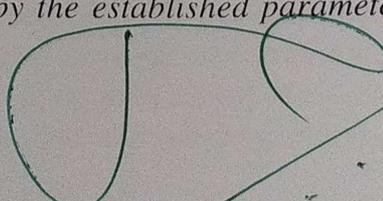
*16. In **CBI v. V. Vijay Sai Reddy**, the Court had reiterated the principle by observing thus:- " 34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence"*

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which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

17. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from **Neeru Yadav v. State of U.P.**, wherein the Court setting aside an order granting bail observed:

"16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law."

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It was held by the Hon'ble Supreme Court of India in case titled as
"Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr."
 {2004 Cri. L.J. 1796 (1)} that :

"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are,

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;*
- (b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- (c) Prima facie satisfaction of the Court in support of the charge.*

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the Court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.

14. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.

20. Before concluding, we must note though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which

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persuade it to take a view different from the one taken in the earlier applications.....”

It was held by the Hon’ble Supreme Court of India in case titled as **“Satish Jaggi Vs. State of Chhatisgarh and Ors.”** {AIR 2007 SC (Supp) 256} that :

“5. It is well settled law that in granting or non-granting of bail in non-bailable offence, the primary consideration is the nature and gravity of the offence.....”

12.At the stage of granting of bail, the court can only go into the question of the prima-facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial.”

It was held by the Hon’ble Supreme Court of India in case titled as **“Gurucharan Singh & Others Vs. State”** {AIR 1978 SC 179 (1)} that :

“29. We may repeat the two paramount considerations, viz likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

In the present case, charge-sheet had been filed for the offences u/s. 395/412/34 IPC. Sections 395 and 412 IPC prescribed maximum punishment for life imprisonment.

It is pertinent to mention here that after filing of the charge-sheet, the regular bail application of the accused Sohan @ Sheru was dismissed by this Court vide order dated 26/06/2021. In the present bail application, no fresh ground has been mentioned by the accused Sohan @ Sheru.

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Grounds as mentioned in the present bail application of the accused Sohan @ Sheru were already available with the accused at the time of deciding the previous regular bail application of the accused. It is well settled law that successive bail applications can be filed on change of facts or circumstances of the case. Where the grounds taken in successive bail applications already agitated and rejected by the Court, the same cannot be ordinarily allowed to be re-agitated. If the subsequent bail application is filed on the same grounds as taken in the previous bail application, the subsequent bail application would be deemed to be seeking review of earlier order, which is not permissible under the criminal law.

In the present case, charge-sheet is stated to be pending before the concerned Ld. MM and same is yet to be committed to the Sessions Court.

In the present case, charge is yet to be framed and complainant/public witnesses are yet to be examined. If the accused is released on bail, there is possibility that accused may tamper with the evidence and influence the witnesses. Accused had refused to join the judicial TIP proceedings. Accused is stated to be habitual offender and stated to be previously involved in 24 other criminal cases of different nature.

The contentions of counsel for the accused Sohan @ Sheru that the accused has been falsely implicated in the present case and there is no incriminating evidence against him is not tenable at this stage as it is well settled law that at the stage of considering bail, it would not be proper for the Court to express any opinion on the merits or demerits of the prosecution case as well as defence.

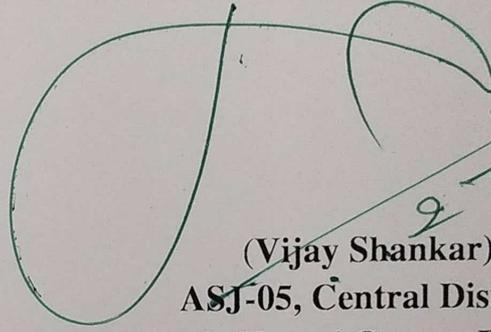
Keeping in view the facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for regular bail of the accused Sohan @ Sheru is made out. Accordingly, the present application for regular bail of the accused Sohan @ Sheru is dismissed.

Nothing stated herein shall tantamount to be an expression of opinion on the merits of the present case and the observations made in the present order are only for the purpose of deciding the present bail application.

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A copy of this order be sent to the concerned Jail Superintendent through E-mail for information. Order be uploaded on the website of the Delhi District Court. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

TCR along with copy of this order be also sent to the Ld. Concerned Court/ MM.



(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/08/2021(A)