

Bail Application No.1911/21
FIR No.36/21
P.S. Bara Hindu Rao
U/s 392/394 IPC
State Vs. Assif @ Lamboo

16.07.2021

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 through Video Conferencing Mode.

This is fresh application under Section 439 Cr.PC moved for accused Assif @ Lamboo for grant of bail.

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

Sh. Navendra Kumar, Ld. Counsel for accused/applicant through VC.

Reply of the application be called from the IO/SHO for NDOH.

List for arguments on 28.07.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

CNR No. DLCT01-007281-2020
FIR No.57/2020
P.S. Civil Lines
U/s 420/467/468/471/34 IPC
State Vs. Ridhi Kumar @
Ridhi Kalra

16.07.2021

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 through Video Conferencing Mode.

This is an application under Section 438 Cr.PC moved for accused Ridhi Kumar @ Ridhi Kalra for grant of anticipatory bail.

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

IO/Inspector Rupesh Kumar Khatri through VC.

Sh.S.S. Panwar, Ld. Counsel for the accused Ridhi Kumar @ Ridhi Kalra through VC.

Sh. Vivek Singh, Ld. Counsel for the complainant through VC.

At the very outset, before commencing with the arguments, it was vociferously contended by Ld. Counsel for the accused that a perusal of order dated 31.05.2021 makes it explicit that the matter should be heard by Sh. Vijay Shankar, Ld. ASJ-05

Contd...2

FIR No.57/2020
P.S. Civil Lines
State Vs. Ridhi Kumar @ Ridhi Kalra

-2-

(Central), THC. This contention has been vehemently refuted by Ld. Counsel for the complainant.

Submissions heard.

This Court has perused the order dated 31.05.2021 passed by Sh. Sanjay Sharma, Ld. ASJ-03 (Central), THC and in view of the observation made by Ld. Judge in the said matter with respect to the factum of arguments having already been addressed before Sh. Vijay Shankar, Ld. ASJ-05 (Central), this Court deems it fit to send the bail application to the Court of Sh. Vijay Shankar, Ld. ASJ-05 (Central) for NDOH.

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

Order be uploaded on the website of the Court.

List on 05.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

CNR No. DLCT01-007281-2020
FIR No.57/2020
P.S. Civil Lines
U/s 420/467/468/471/34 IPC
State Vs. Renu Kalra

16.07.2021

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 through Video Conferencing Mode.

This is an application under Section 438 Cr.PC moved for accused Renu Kalra for grant of anticipatory bail.

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

IO/Inspector Rupesh Kumar Khatri through VC.

Sh.Amit Vohra, Ld. Counsel for the accused Renu Kalra through VC.

Sh. Vivek Singh, Ld. Counsel for the complainant through VC.

At the very outset, before commencing with the arguments, it was vociferously contended by Ld. Counsel for the accused that a perusal of order dated 31.05.2021 makes it explicit that the matter should be heard by Sh. Vijay Shankar, Ld. ASJ-05

Contd...2

FIR No.57/2020
P.S. Civil Lines
State Vs. Renu Kalra

-2-

(Central), THC. This contention has been vehemently refuted by Ld. Counsel for the complainant.

Submissions heard.

This Court has perused the order dated 31.05.2021 passed by Sh. Sanjay Sharma, Ld. ASJ-03 (Central), THC and in view of the observation made by Ld. Judge in the said matter with respect to the factum of arguments having already been addressed before Sh. Vijay Shankar, Ld. ASJ-05 (Central), this Court deems it fit to send the bail application to the Court of Sh. Vijay Shankar, Ld. ASJ-05 (Central) for NDOH.

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

Order be uploaded on the website of the Court.

List on 05.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

Bail Application No.1802/21
FIR No.Not Known
P.S. Burari
U/s Not Known
State Vs. Smt. Urmila Devi

16.07.2021

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 through Video Conferencing Mode.

This is an application under Section 438 Cr.PC moved for accused Smt. Urmila Devi for grant of anticipatory bail.

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

None for applicant through VC.

Reply of the application received. Reply perused.

None has joined the meeting for applicant. It appears that applicant is not interested in pursuing his/her application. Accordingly, present application is dismissed in default.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

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

16.07.2021

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 through Video Conferencing Mode.

This is an application under Section 438 Cr.PC moved for accused Maheshwari Yadav for grant of anticipatory bail.

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

None for applicant through VC.

Reply of the application received. Reply perused.

None has joined the meeting for applicant. It appears that applicant is not interested in pursuing his/her application. Accordingly, present application is dismissed in default.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

Bail Application No.1909/21
FIR No.0002/2021
P.S. Crime Branch
U/s 420/468/471/506/120B/34 IPC
State Vs. Sandeep Kumar Sood

16.07.2021

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 through Video Conferencing Mode.

This is fresh application under Section 439 Cr.P.C., moved for accused Sandeep Kumar Sood for grant of bail.

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

Sh. Jitendra Singh Sirohi, Ld. Counsel for applicant through VC.

Part arguments on the application heard.

Put up for remaining arguments on 20.07.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021

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

CNR No. DLCT01-004639-2021

FIR No. 158/2021

U/s 33/58 Delhi Excise Act

P.S. Burari

16.07.2021

State Vs. Sanju Devi

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. Sanjeev Bisla, Ld. Counsel for the accused

/applicant Sanju Devi through VC.

IO/HC Ashish is present 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. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that applicant/accused has been falsely implicated in the present case. Ld. Counsel for accused submitted that the accused herein has not been previously involved in any other case and no nexus with the alleged offence and she is only the owner of the offending vehicle. Lastly, Ld. Counsel submitted that recovery has already been effected and as such custodial interrogation is not required, and thus the applicant/ accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State, assisted by IO vehemently opposed the present anticipatory bail application. Ld. Addl. PP for the State submitted that a huge quantity of liquor has been seized from the vehicle and thus she ought not to be granted anticipatory bail. He further submitted that driver of the car was able to escape from the spot. However, the co-accused who was sitting on the rear seat of the offending vehicle was apprehended at the spot. The accused herein is the owner of the

offending vehicle and that it seems that owner of vehicle was acting in connivance with the accused, and she has not joined the investigation. Ld. Addl. PP for the State has further submitted that applicant has not cooperated in the investigation.

4. Submissions heard.
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: It was alleged that on 10.03.2021 at about 6:30 p.m., driver of a red colour Brezza car No. DL-8CAU 7952 was asked to stop for checking, however, after stopping the vehicle, driver of the vehicle managed to escape from the spot. However, the co-accused who was sitting with him in the offending vehicle, was apprehended at the spot. After checking the car, 15 cartons of illicit liquor were recovered. Therefore, the present FIR was registered. After verification, the accused/applicant herein was found to be the owner of the said vehicle.
6. At this juncture, it would also 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. In the present matter, it was mentioned by the State, during course of arguments, that a co-accused is absconding, and the accused herein is not co-operating with the investigating agency. It is apparent that the applicant/accused has neither joined the investigation nor has she co-operated with the IO. The investigation is at

a nascent stage and source of illicit liquor is yet to be traced, and the co-accused is yet to be apprehended. It is apparent that custodial interrogation is imperative for effective investigation. Under these circumstances, this court is of the opinion that the 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 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/16.07.2021

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

CNR No. DLCT01-005973-2021
BAIL APPLICATION NO. 2035/21
FIR NO. 16/2019
U/S 33/38 Delhi Excise Act
P.S. Timarpur
State vs Nand Kishor

16.07.2021

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.
IO/HC Narayan Pati Ojha through VC.
Ms. Mamta, Ld. Counsel for applicant through VC.
Reply to the present anticipatory bail application filed.

ORDER ON ANTICIPATORY BAIL APPLICATION

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

2. Ld. Counsel for applicant/accused submitted that applicant/accused has been falsely implicated in the present case. She further submitted that applicant has not been previously involved in any criminal case. Ld. Counsel for applicant has further submitted that the offending vehicle bearing registration no. DL-9CP-1592 (Wagon-R Car) in which the alleged recovery has been shown, has already been sold by the accused/applicant to one Anand Singh, who is co-accused in the present case. However, the accused did not transfer the said vehicle in the name of co-accused Anand Singh. She further submitted that applicant/accused herein is the only sole bread winner of his family. She further submitted that applicant is ready to join the investigation as and when required by the IO. Ld. Counsel further submitted that there is no chance of absconding or tampering with the evidence and therefore he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State, assisted by IO vehemently opposed the present anticipatory bail application. Ld. Addl. PP for the State submitted that a huge quantity of liquor has been seized from the vehicle and thus he ought not to be granted anticipatory bail. He further submitted that applicant/accused herein is still the owner of the offending vehicle from which the illicit liquor was recovered. Ld. Addl. PP for the State has further

submitted that applicant has not produced any documents before the IO to substantiate his claim that he had sold the vehicle to co-accused.

4. Submissions heard.

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: It was alleged that on 24.01.2021 the present FIR was registered as the co-accused Anand Singh was found with huge quantity of illicit liquor on vehicle no. DL9CP1592. After verification, the accused/applicant herein was found to be the owner of the said vehicle.

6. At this juncture, it would also 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. During the course of arguments, it was pointed out by Ld. Additional PP for the State that in cases of such nature, the owners of the offending vehicle routinely come up with the specious plea that they were not aware that their driver would commit such mischief, and seek exoneration on this ground. However, it is trite that the owner of the vehicle has to be fastened with liability in these matters. In the present matter, the investigation is at a nascent stage, and no documents regarding transfer of ownership of vehicle to substantiate the claim of the accused, have been produced. During the course of arguments, the IO has also submitted that the accused is neither joining the investigation nor has shown relevant documents regarding sale of the vehicle and is also not residing at the address mentioned in the RC. It is apparent that custodial interrogation is imperative for effective investigation. Under these circumstances, this court is of the opinion that the

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 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/16.07.2021

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

BAIL APPLICATION NO. 2438/21
FIR NO. 241/2021
PS Burari
U/s 498A/406 IPC
State vs Prasant Banerjee

16.07.2021

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. Akhilesh Kumar Singh, Ld. Counsel for
applicant/accused through VC.
IO/ASI Roop Singh, PS Burari 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 Prashant

Banerjee. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicants submitted that applicant has been falsely implicated in the present case at the instance of complainant. Ld. Counsel for the accused further submitted that complainant herein filed a petition under Section 125 Cr. P.C., and thereafter the accused filed a divorce petition. It is submitted that the present case is a counter blast against the accused herein. Ld. Counsel further submitted accused does not have any previous criminal antecedents. He further submitted that complainant herein had been living separately from her husband. Ld. Counsel further contended that the accused herein is ready to join the investigation and thus the accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State and IO have opposed the application as per law. Ld. APP for the State has submitted that the accused is the husband of the complainant.

4. Submissions heard.

5. Perusal of record reveals that the accused herein and complainant are husband and wife. It has also been brought to the

fore that there is a history of litigation between the parties. The litany of cases commenced from a maintenance application, to a divorce petition and finally to the present criminal case. Firstly, it was the complainant who filed a maintenance petition on 04.02.2021, thereafter, the husband/accused herein filed a divorce petition on 16.04.2021. Thereafter, the complainant filed the present criminal case alleging instances of cruelty and demand of dowry.

5. In matters pertaining to matrimonial disputes, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the***

guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with

**The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.*

**Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refuse the bail in exceptional circumstances.*

** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.*

**In the matrimonial cases bail is a rule and refusal is an exception.*

6. A perusal of the record reveals that the case prima facie has emanated pursuant to marital discord between the parties. In the letter addressed to the CAW Cell, which is attached with the bail application, there is no whisper of any dowry demand by the complainant. It was also submitted that parties are living separately. It is thus apparent that no purpose would be served in incarcerating the applicant at this juncture. Under these circumstances, this court is of the opinion that applicant/accused Prashant Baerjee 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) 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.
- b) The applicant/accused is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.
- d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.
- f) The accused/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 her and trying to put pressure on her then the protection granted by this Court shall stand cancelled.

9. 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.

7. 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/16.07.2021

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

BAIL APPLICATION NO. 2041/21
FIR NO. 51/2021
PS Civil Line
U/s 498A/306 IPC
State Vs Hari Om Diwakar

16.07.2021

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.

This is second bail application u/s 439 Cr.P.C. has been filed on behalf of accused Hari Om Diwakar for grant of regular bail.

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State through VC.
Sh. Surder Kumar Singh, Ld. Counsel for applicant through VC.
Sh. Gaurav Bhardwaj, Ld. Counsel for complaint.
Reply of the IO has been received. TRC also received.

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/accused submitted that applicant has been falsely implicated in the present case, and has been languishing in Judicial Custody since 23.02.2021. Ld. Counsel further submitted that accused had been working in the UP Police and is a student of BA Part-II at CCSU, Meerut UP. He further submitted that marriage of deceased with accused was solemnized on 02.11.2020 at Ghziabad UP and it was a Court marriage. The offence in question is not attracted against accused/ applicant and it is matter of record that no demand of dowry etc was made by accused/applicant. It was submitted that accused/applicant was on duty in Lucknow, when the incident happened. All the allegations levelled against accused applicants are false. Investigation is complete and no useful purpose would be served detaining him at bar as chargesheet has already been filed.
3. Per *contra*, Ld Addl. PP for the State, assisted by the Ld. Counsel for complainant, vehemently opposed the application. Ld. Addl. PP for the State submitted that the suicide notes of the deceased point out towards the complicity of the accused and thus he ought not to be enlarged on bail.
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: the case of the prosecution is that on 18.02.2021 a PCR

call vide DD No. 67A was received in the PS Civil Lines, Delhi. On receipt of the abovesaid PCR call, IO ASI Pramod Tiwari reached at the spot immediately and he collected some suicide notes of victim from the spot and the same has been taken through the seizure memo and after interrogation, it was found that victim was taken to Trauma Centre Hospital vide MLC No. 15425/21 where doctors declared brought dead. Statement of complainant Rita was recorded at Trauma Centre Hospital. The dead body of victim was preserved in Subzi Mandi mortuary and Executive Magistrate Dr. Anil Kumar took the statement of complainant Rita, Vicky, Himanshu (son of victim) in the premises of Subzi Mandi mortuary. On 20.02.2021, postmortem of deceased was conducted vide PM No. 224/2021. Exhibits were preserved. On 23.02.2021, PM report received by IO. Later on the present FIR was registered and investigation was handed over to WPSI Meena Chawla. Later on, Section 306 IPC was added in the place of Section 406 IPC in the present case.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that the deceased and the accused entered into a matrimonial relationship and despite this fact, the accused was desirous of entering into matrimony with some other lady. The Court has perused the suicide notes, and therein specific allegations have been leveled by the deceased against the accused. The letters are reflective of the agony and anguish caused by the accused to the deceased. During the Course of arguments, the IO had apprised the Court that there are audio recording also, of conversation

between the accused and the deceased, where there is provocation from the accused to the deceased, to die. The conversation also revolve around the factum of accused marrying someone else.

6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, 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. TCR be returned to the Court concerned.

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/16.07.2021

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

Bail Application No.1910/21

FIR No.166/2021

P.S.Roop Nagar

U/s 406/420/467/468/471/120-B IPC

State Vs. Renu Kalra

16.07.2021

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 on behalf of accused Renu Kalra for grant of interim bail.

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

Sh. Amit Vohra, Ld. Counsel for accused/applicant through VC.

Sh. Sanjay Bhargava Ld. Counsel for complainant through VC.

ORDER ON INTERIM BAIL APPLICATION

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

2. Ld. Counsel for the accused submitted that the accused suffering from Crohns, Diabetes Mellitus II and has a history of Hysterectomy and surgery for Fistula. Ld. Counsel invited the Court's

attention of the Court to report of medical superintendent, Tihar Jail dated 12.07.2021 to contend that an inordinate long date has been given for MRE + MRI. He has thus submitted that, considering the medical condition of the accused, she ought to be granted bail.

3. *Per contra*, Ld. Additional PP for the State has opposed the bail by submitting that Tihar Jail has requisite medical facilities to take care of the accused herein.

4. Submissions of both sides heard.

5. From a perusal of report dated 12.07.2021, it is explicit that during Mulahiza examination (first medical examination of the accused) gave history of Crohns, Diabetes Mellitus II and also gave history of hysterectomy and surgery for fistula. She was reviewed by Jail visiting Medicine Doctor and doctor provided her medicines as per disease and complaints.

6. This Court has perused the record, specially medical report dated 12.07.2021. After perusing the same, this Court concurs with the submissions of Ld. Additional PP for the State that Tihar Jail is sufficiently equipped to address medical requirements of the accused herein. Under these circumstances, interim bail application is hereby dismissed.

7. It has been laid down in *Pt. Paramanand Katara vs. Union of*

India and Ors. (1989) 4 SCC 286 by the Hon'ble Supreme Court that Article 21 of the Constitution of India casts an obligation on the State to preserve life whether the patient is an innocent person or is criminally liable to punishment under the law. Even, in *Re-Inhuman conditions in 1382 Prisons-(2017) 10 SCC 658*, the Hon'ble Supreme Court has reiterated that providing medical facilities to inmates in prisons is a human right.

8. Thus, this Court hereby directs the concerned Jail Superintendent, Tihar Jail to ensure that the accused is treated for her ailments and her MRE+MRI be conducted expeditiously.

9. Copy of order be sent to Jail Superintendent for compliance, which shall be filed on next date of hearing.

10. With these directions, the application stands disposed off.

11. List for filing compliance report before the concerned Court on 23.07.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/16.07.2021