

Bail Application No.1212/2021  
FIR No.186/2021  
P.S.Burari  
U/s 420/34 IPC  
State Vs. Man Mohan  
Singh

12.07.2021

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 under Section 438 Cr.P.C, moved on behalf of accused Manmohan Singh for grant of anticipatory bail.**

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

IO/SI Satender Singh through VC.

Sh. Avinash, Ld. Counsel for accused/applicant

Manmohan Singh through VC.

It is submitted by IO that documents supplied by the accused/applicant has already been sent for verification to the concerned Bank and the report is still awaited. IO is also directed to verify the fact that the property in question has been mortgaged with another bank or not. IO is directed to file further reply in this

Contd..2

Bail Application No.1212/2021  
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regard on or before the next date of hearing.

Ld. Counsel for the complainant has submitted that matter is pending before Hon'ble DRT. Ld. Counsel is directed to file the order of Hon'ble DRT, if any, on NDOH.

List for further arguments on **11.08.2021**. Interim order dated 14.06.2021, to continue till next date of hearing. Accused is directed to join the investigation as and when required by the IO/SHO.

Copy of order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**

Bail Application No.13338/2021  
FIR No.521/2020  
P.S. Civil Line  
U/s 377 IPC  
State Vs. Sahil Kapoor

12.07.2021

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 under Section 439 Cr.P.C., moved on behalf of accused Sahil Kapoor for grant of interim bail for the period of 90 days.**

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

Sh. Ajay Khatana, Ld. Counsel for applicant/accused through VC.

At this juncture, Ld. Counsel for accused/applicant submits that he does not want to pursue the present application. In view of submission of Ld. Counsel, present application is dismissed as withdrawn.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021





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

BAIL APPLICATION NO. 1787/21  
FIR NO. 121/2021  
PS Civil Line  
U/s 307/34 IPC & 27/54/59 Arms Act  
State vs Dushat @ Kakku

12.07.2021

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. Ruchir Batra, Ld. Counsel for applicant through VC.  
IO/SI Deepak Kumar through VC.

1. Vide this order, this Court shall adjudicate upon the bail application under Section 439 Cr.P.C., filed on behalf of the accused/applicant Dushat @ Kaku. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that the genesis of the present case lies in a family dispute, and the said dispute no longer exists as the husband and the wife namely Ravi and Dolly are living

together as of now. Ld. Counsel further submitted that injured Ravi has already been discharged from the hospital. It was strenuously contended by the Ld. counsel for the accused that the accused herein namely Dushat @ Kaku had no inkling that the said offence would be committed by co-accused Shivraj @ Raj. He further submitted that accused is a young man aged about 20 years and has clean antecedents. Lastly, he submitted that the applicant accused is in Judicial Custody since 17.05.2021 and no purpose would be served detaining him in longer and accordingly he should be enlarged on bail.

3. *Per contra*, Ld Addl. PP for the State and IO/SI Deepak Kumar have vehemently opposed the bail application as per law. It was submitted that accused herein kept ignition of the motorcycle ready so as to help the accused Shiv @ Raj to escape from the place after commission of the offence. It was submitted that without active support of the accused herein, offence could not have been committed.

4. Submissions of both sides heard.

5. A perusal of the record reveals that grievous injuries have caused to the injured Ravi. As per the report of the IO, he received as many as eight incise wounds on the different parts of the body. The investigation of the case is underway, and the IO expressed an apprehension that accused herein may try to win over, extend threats or may harass the witness of the case.

6. After considering over all the facts and circumstances of the case, taking into the account the gravity of the offence and the role attributed

to the applicant, this Court of the considered opinion that no ground of the bail is made out at this juncture. Accordingly, this Court is not inclined to grant bail to the accused Dushat @ Kakku at this juncture, and therefore present application is hereby dismissed.

7. With these observations, the bail application moved on behalf of accused/applicant Dushat @ Kakku stands disposed off.

8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**



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

BAIL APPLICATION NO. 1036/2021  
FIR NO. 149/2021  
PS Roop Nagar  
U/s 323/341/354/354-B/308/509/24 IPC  
State vs Hansraj Gupta

12.07.2021

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. Murari Tiwari, Ld. Counsel for applicant / accused through VC.  
Sh. Anand Maitrey, Ld. Counsel for complainant.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused Hansraj Gupta. 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. He further submitted that applicant / accused has no criminal antecedents. He further submitted that the ground of apprehension of threatening the witnesses, as mentioned by the IO in her reply, can not be countenanced. In this context, it has been submitted that the FIR was registered on 09.04.2021, and despite passage of period of three months, no fresh allegations have been leveled against the accused herein. It has been submitted that the main accused namely Amit Gupta has already been enlarged on bail. Ld. Counsel for the accused strenuously contended that cross FIRs have been registered between the two warring factions, who are neighbours, embroiled in disputes due to paucity of parking space. It has been submitted that due to unrest in the area, and breach of peace by both parties, orders were passed by the area SDM under Section 107/150 Cr.P.C. It has also been contended that injuries caused to the complainant are simple in nature. Lastly, It has been submitted that accused Hansraj Gupta is a senior citizen aged about 65 years and is also suffering from various medical ailments. It was also pointed out that during the scuffle accused Hansraj Gupta also suffered injuries, and that his right finger was fractured and thus

the accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State, assisted by Ld Counsel for the Complainant, vehemently opposed the application. At the very outset, Ld. Counsel for the complainant submitted that co-accused Amit Gupta was not granted anticipatory bail rather he was enlarged on regular bail, after spending 45 days in Judicial Custody. Thus, according to Ld. Counsel, grant of regular bail to co-accused ought not be considered by the Court. Further, it has been submitted that the accused herein played an active role, and was a *particeps criminis*, in as much as he rained fist blows and kicks on the complainant herein. It was strongly argued that cross FIR number 150/2021, PS Roop Nagar was the counter blast measure launched by the accused herein, to the accusations leveled in the present FIR. Lastly, it was contended by Ld. Counsel for complainant that if the accused are not arrested, they would make life miserable for the complainant and her family, and anticipatory bail should thus be not 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: The present FIR was lodged on 09.04.2021 on the complaint of Abha Gupta wherein she alleged

that Amit and his father tore the clothes of complainant and her daughter. She alleged that they molested the complainant and her daughter. Complainant further alleged that Amit and his father hit her with a stick on her head several times and due to which she sustained injuries in her head. Complainant alleged that accused Amit Gupta, his wife Alka Gupta and father Hansraj Gupta have beaten her, her daughter Barble Gupta and son Rishab Gupta with a common intention and thus the present FIR came to be registered.

5. At this juncture, it would be apposite to reproduce the following extracts of *Bhadresh Bipin Bhai Sheikh Vs. State of Gujrat, 2016 1 SCC 152* :-

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

*(x) The following factors and parameters needs to be taken into consideration while dealing with anticipatory bail.*

*(a) The nature and gravity of the accusation and the exact role of the accused must be property comprehended before arrest is made.*

*(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*

*(c) The possibility of the applicant to flee from justice*

*(d) The possibility of the accused’s likelihood to repeat*

*similar or other offences:*

*(e) Where the accusation have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

*(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*

*(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern”*

*(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*

*(i) The court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the even of there being some doubt as to the genuineness of the prosecution in the normal course of events, the accused is entitled to an order of bail.*

6. Adverting to the rival contentions of the parties, this Court had the occasion to view the CCTV footage which explicitly

captured the incident. The veracity of the said footage was not denied by either the parties nor both the counsels. A perusal of the same would reveal that it was a melee of sorts, a free-for-all kind of situation, that is to say, fist blows and kicks rained from both sides. Prima facie, probably every participant received injuries, and even caused them. However, it is pertinent to note that in the footage, as also averred by Ld. Counsel for accused Hansraj Gupta, the accused herein hit the complainant and was also hit by the complainant/her family members.

7. In the present case, the ruckus created snowballed into a fight, and peace and harmony of the inhabitants of the building has been disturbed. The main accused Amit Gupta, against whom allegations of using a stick to beat the complainant and her son and daughter, has already been released on bail after an incarceration period of 45 days. During the course of arguments, the IO had averred that charge-sheet is ready and that accused Hansraj Gupta had joined investigation. The accused is a senior citizen aged about 65 years. As per medical report, he suffered from vitreous hemorrhage in one eye.

8. It is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these

circumstances, this court is of the opinion that the accused 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. 30,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The petitioner is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- f) The accused shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the accused is trying to contact him/her and trying to put pressure on him/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.

10. 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/12.07.2021**



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

BAIL APPLICATION NO. 1036/2021  
FIR NO. 149/2021  
PS Roop Nagar  
U/s 323/341/354/354-B/308/509/24 IPC  
State vs Alka Gupta

12.07.2021

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. Murari Tiwari, Ld. Counsel for applicant / accused  
through VC.  
Sh. Anand Maitrey, Ld. Counsel for complainant.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused Alka Gupta. 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. He further submitted that applicant / accused has no criminal antecedents. He further submitted that the ground of apprehension of threatening the witnesses, as mentioned by the IO in her reply, can not be countenanced. In this context, it has been submitted that the FIR was registered on 09.04.2021, and despite passage of period of three months, no fresh allegations have been leveled against the accused herein. It has been submitted that the main accused namely Amit Gupta has already been enlarged on bail. Ld. Counsel for the accused strenuously contended that cross FIRs have been registered between the two warring factions, who are neighbours, embroiled in disputes due to paucity of parking space. It has been submitted that due to unrest in the area, and breach of peace by both parties, orders were passed by the area SDM under Section 107/150 Cr.P.C. It has also been contended that injuries caused to the complainant are simple in nature. Lastly, it has been submitted that no role has been ascribed to the accused herein, rather the accused herself had sustained injuries viz. abrasion on hands, and thus the accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State, assisted by Ld Counsel for the Complainant, vehemently opposed the application. At the very outset, Ld. Counsel for the complainant submitted that co-accused Amit Gupta was not granted anticipatory bail rather he was enlarged on regular bail, after spending 45 days in Judicial Custody. Thus, according to Ld. Counsel, grant of regular bail to co-accused ought not be considered by the Court. Further, it has been submitted that the accused herein played an active role, and was a *particeps criminis*, in as much as she exhorted other accused to hit the complainant herein. It was strongly argued that cross FIR number 150/2021, PS Roop Nagar was the counter blast measure launched by the accused herein, to the accusations leveled in the present FIR. Ld. Additional PP for the State, although fairly conceded that no overt act was ascribed to accused Alka Gupta, however submitted that she was actively involved in the abetment to commit the offence, and legally, abetment of an offence is as good as commission thereof. Lastly, it was contended by Ld. Counsel for complainant that if the accused are not arrested, they would make life miserable for the complainant and her family, and anticipatory bail should thus be not granted.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby

succinctly recapitulated: The present FIR was lodged on 09.04.2021 on the complaint of Abha Gupta wherein she alleged that Amit and his father tore the clothes of complainant and her daughter. She alleged that they molested the complainant and her daughter. Complainant further alleged that Amit and his father hit her with a stick on her head several times and due to which she sustained injuries in her head. Complainant alleged that accused Amit Gupta, his wife Alka Gupta and father Hansraj Gupta have beaten her, her daughter Barble Gupta and son Rishab Gupta with a common intention and thus the present FIR came to be registered.

5. At this juncture, it would be apposite to reproduce the following extracts of *Bhadresh Bipin Bhai Sheikh Vs. State of Gujrat, 2016 1 SCC 152* :-

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

*(x) The following factors and parameters needs to be taken into consideration while dealing with anticipatory bail.*

*(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made.*

*(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any*

*cognizable offence;*

*(c) The possibility of the applicant to flee from justice*

*(d) The possibility of the accused's likelihood to repeat similar or other offences:*

*(e) Where the accusation have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

*(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*

*(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern”*

*(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*

*(i) The court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*

*(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the even of there being some doubt as to the genuineness of the prosecution in the normal course of events, the accused is entitled to an order of bail.*

6. Adverting to the rival contentions of the parties, this Court had the occasion to view the CCTV footage which explicitly captured the incident. The veracity of the said footage was not denied by either the parties nor both the counsels. A perusal of the same would reveal that it was a melee of sorts, a free-for-all kind of situation, that is to say, fist blows and kicks rained from both sides. Prima facie, probably every participant received injuries, and even caused them. However, it is pertinent to note that in the footage, as also averred by Ld. Counsel for accused Alka Gupta, the accused herein may have exhorted others to commit offences, however, she is nowhere seen to have physically assailed anyone.

7. In the present case, the ruckus created snowballed into a fight, and peace and harmony of the inhabitants of the building has been disturbed. The main accused Amit Gupta, against whom allegations of using a stick to beat the complainant and her son and daughter, has already been released on bail after an incarceration period of 45 days. During the course of arguments, the IO had averred that charge-sheet is ready and that accused Alka Gupta had joined investigation.

8. It is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these

circumstances, this court is of the opinion that the accused 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, she shall be released on bail on furnishing bail bond and surety bond of Rs. 30,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The petitioner is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all her mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give her address to the IO and if she changes the address she shall intimate the same to the IO.
- f) The accused shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the accused is trying to contact him/her and trying to put pressure on him/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.

10. 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/12.07.2021**



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

Bail Application No. 1853/21  
FIR No. Not Known  
U/s Not Known  
P.S. Burari  
State Vs. Vikas Kumar

12.07.2021

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.

**Fresh application u/s 438 Cr.P.C. has been filed on behalf of accused Vikas Kumar for grant of anticipatory bail.**

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

Ld. Counsel for applicant through VC.

Let report of IO be called for 22.07.2021.

Order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021

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

Bail Application No. 1854/21

FIR No. 254/21

U/s 379/356/411/34 IPC

P.S. Subzi Mandi

State Vs. Manish @ Kalu

12.07.2021

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.

**Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Manish @ Kalu for grant of regular bail.**

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

Ld. Counsel for applicant through VC.

Let report of IO be called for 22.07.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 1855/21  
FIR No. 357/21  
U/s 392/34 IPC  
P.S. Wazirabad  
State Vs. Kunal

12.07.2021

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.

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

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

Ld. Counsel for applicant through VC.

Let report of IO be called for 22.07.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 1851/21  
FIR No. 455/21  
U/s 307/452/34 IPC  
P.S. Burari  
State Vs. Prince Panchal

12.07.2021

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.

**Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Prince Panchal for grant of regular bail.**

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

Ld. Counsel for applicant through VC.

Let report of IO be called for 20.07.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 1852/21  
FIR No. 220/20  
U/s 380/454 IPC  
P.S. Subzi Mandi  
State Vs. Manish

12.07.2021

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.

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

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

Ld. Counsel for applicant through VC.

Let report of IO be called for 20.07.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 467/21  
FIR No. 128/19  
U/s 308/323/341/506/34 IPC  
P.S. Gulabi Bagh  
State Vs. (Jaswant) Rohit

12.07.2021

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.

**Present application u/s 439 Cr.P.C. has been filed on behalf of complainant / victim for cancellation of bail granted to the non-applicant Rohit.**

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

Brother of complainant through VC.

IO/SI Harender is present through VC.

Brother of complainant states that their counsel is unwell, therefore, could not join the proceedings.

Accordingly, re-list for arguments on the aforesaid application on 17.08.2021.

Order be uploaded on the website.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 593/2021. 594/21, 595/21 & 682/21

FIR No. 727/20

U/s 498A/406/34 IPC

P.S. Burari

State Vs. (1) Anuj Minj

(2) Alice Rebecca Minj

(3) Roja Minj

(4) Alexander Minj

12.07.2021

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.

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

Ms. Anjana Masih , Ld. Counsel for applicants through VC.

Ms. Agnes Iqbal, Ld. Counsel for complainant.

IO is not present.

Part arguments heard.

Put up for further arguments on 13.07.2021.

Issue notice to the IO to appear before the Court on NDOH.

Interim order, if any to continue till NDOH. All the accused are directed to join the investigating as and when required by the SHO/IO.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**

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

Bail Application No. 1418/2021  
FIR No. 209/21  
U/s 376 IPC  
P.S. Roop Nagar  
State Vs. Amit

12.07.2021

Present: None.

It is 4.45 PM. The present bail application has been received from the bail section as on the front page of the order dated 09.07.2021 police station has not been mentioned.

Record perused.

Vide order dated 09.07.2021 accused Amit has been granted regular bail. The present matter pertains to the P.S. Roop Nagar. Accordingly, this order be read as part of the order dated 09.07.2021.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**



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

BAIL APPLICATION NO. 1780/21

FIR NO. 390/21

U/S 376/313 IPC

P.S. Wazirabad

STATE vs Dinesh Sharma

12.07.2021

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. Ravi Verma, Ld. Counsel for applicant through VC.  
IO/WSI Sonika is present through VC.

**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 by the complainant to achieve her ulterior motive of pressurizing the applicant to seek divorce from his wife. He further submitted that the allegations levelled against the applicant in the FIR are self contradictory as on one hand complainant alleged rape having been committed by

the applicant, and on the other hand, she accused the applicant of causing miscarriage without her consent on number of occasions. Ld. Counsel has further submitted that no time and date has been mentioned as to when the forcible intercourse without the consent of the complainant was committed by the applicant. He further submitted that applicant / accused has no criminal antecedents. He further submitted that both applicant and complainant were in a consensual physical relationship since the year 2014 and that it was a live-in relationship. It was only when the complainant saw the accused with another lady, that the present FIR came to be registered. Thus, according to him, the accused ought to be enlarged on bail.

3. Ld. Counsel for applicant placed reliance upon the following judgments to substantiate his contentions, by primarily highlighting the difference between consensual sex and rape:-

***I. Shivashankar @ Shiva Vs. State of Karnataka, CA No. 504 of 2018 decided by Hon'ble Supreme Court of India on 06.04.2018***

***II. Alok Kumar Vs. State, Bail Application No. 426/2008 decided by Hon'ble High Court of Delhi on 27.02.2008***

***III. Alok Kumar Vs. State & Anr., Crl. M.C. No. 299/2009 decided by Hon'ble High Court of Delhi on 09.08.2010***

4. Per *contra*, Ld Addl. PP for the State, assisted by Ld Counsel for the Complainant, vehemently opposed the application. At the very

outset, Ld. Counsel for the complainant lamented that the investigation of this case has not been done fairly, and it has been manipulated. Further, it was contended that there was a delay in lodging of FIR, a charge which was refuted by the IO during the course of arguments.

5. 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 the accused established physical relations with the complainant on the pretext of marriage. She conceived several times but every time accused administered some medicine to her which lead to her miscarriage. They were in a live-in relationship. Later on, complainant came to know that applicant is already married having three children. It was also brought in record that accused and the prosecutrix got married in Arya Samaj Mandir on 15.12.2015, however, no marriage certificate was issued to them.
6. At this juncture, it would be apposite to peruse the following extracts of *Shivashankar @ Shiva Vs. State of Karnataka (Supra)*:

*“In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as ‘rape’ especially in the face of the complainant’s own allegation that they lived together as man and wife.”*

7. Adverting to the rival contentions of both sides, a perusal of the record reveals that the complainant and the accused knew each other, and were in a consensual relationship since the year 2014. The prosecutrix is a person who has attained the age of majority, and no allegations of forcing her to commit sexual intercourse have been brought forth. A perusal of the reply of the IO dated 07.07.2021 would reveal that when notice was served to Arya Samaj Mandir, it was provided in writing that accused and prosecutrix got married thereat on 15.12.2015. It is also a matter of record that marriage certificate was not issued to them as they could only produce one witness namely Mandeep. This Court also had the occasion to interact with the prosecutrix, who submitted that she is six months pregnant, and that she wants the support of the accused herein during this crucial period.
8. It is thus apparent that no purpose would be served in keeping the accused in custody any longer. Under these circumstances, this court is of the opinion that the accused be granted bail. Accordingly, the accused Dinesh Sharma is admitted on bail on furnishing bail bond and surety bond of Rs 30,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:
- i. He shall not establish any contact with the prosecutrix or any other witness, nor try threaten influence, intimidate etc. any

witness.

- ii. He shall not hamper the trial or investigation in any manner.
  - iii. He shall furnish his present and permanent address with supporting documents along with affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
  - iv. He shall join the investigation/attend trial without default.
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 bail application stands disposed off.
10. 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/12.07.2021**

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

BAIL APPLICATION NO. 1786/21

FIR NO. 01/2021

U/S 33/58 Delhi Excise Act

P.S. Wazirabad

State vs Narayan Singh

12.07.2021

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. Virender Singh , Ld. Counsel for applicant through VC.  
IO/HC Charanji Lal 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 heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused has submitted that applicant had already sold the vehicle no. DL1L M 3652 in which illicit liquor was found, to one Kaushal Dahiya on 20.05.2019. It has been submitted by Ld. Counsel that the applicant / accused several times approached the purchaser to get the vehicle transferred on his name but each and every

time he did not meet at his house. Ld. Counsel for applicant / accused further submitted that later on applicant came to know that Kaushal Dahiya had further sold the said vehicle to his nephew Sahil Dahiya who also sold the said vehicle to Dimple. It has been submitted that driver of Dimple namely Virender @ Bunty was driving the said vehicle at the time of commission of offence, who was arrested. It has further been submitted that that applicant was desirous of selling the aforementioned vehicle, however, the only lapse on part of the applicant/ accused was that he did not get the vehicle registered in the name of the new owner. It was further submitted that applicant had already joined the investigation on 19.01.2021 and 22.01.2021 and apart from these dates applicant has joined investigation 4 times also. Ld. Counsel has further submitted that applicant has no criminal antecedents. Recovery in this case has already been effected and the offending vehicle has already been confiscated.

3. *Per contra*, Ld Addl. PP for the State, assisted by IO/HC Charanji Lal 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 of the applicant / accused and thus he ought not be released on bail, as the said offence was allegedly committed upon the directions of the applicant / accused herein. It has also been submitted that applicant has failed to produce any document of sale of vehicle during investigation.

4. A perusal of the record reveals that at the time of commission of offences, it was Virender @ Bunty who was driving the said vehicle. Recovery of illicit liquor have already been effected. Further, as per the IO applicant has joined the investigation.

5. In this context, 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.....”*

6. Since the applicant / accused has joined the investigation and recovery in the present case has already been effected, it is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these circumstances, this court is of the opinion that the accused be granted anticipatory bail. Taking into account the facts and



circumstances of this case, this Court is inclined to grant anticipatory bail to the applicant on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount to the satisfaction of the SHO/IO.
- b) The petitioner is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.

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 anticipatory bail application stands disposed off.

8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**

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

BAIL APPLICATION NO. 857/2021

FIR NO. 314/2020

U/S 33/38/58 Delhi Excise Act

P.S. Subzi Mandi

State vs Deepak Kumar

12.07.2021

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. Shubham Asri, Ld. Counsel for applicant through VC.  
IO/SI Lalit Kumar 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 heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant / accused has submitted that applicant had already sold the vehicle no. DL1L K 8736 in which illicit liquor was found, to one Ashok Dalal. It has been submitted by Ld. Counsel that the applicant / accused had even prepared documents namely affidavit dated 20.08.2020 in order to substantiate his claim that applicant was desirous of selling the aforementioned vehicle, however, the only lapse

on part of the applicant / accused was that he did not get the vehicle registered in the name of the new owner. It has further been submitted that applicant is serving as Constable in CRPF and thus being a government servant, a lenient view should be taken.

3. *Per contra*, Ld Addl. PP for the State, assisted by IO/SI Lalit vehemently opposed the present anticipatory bail application. Ld. Addl. PP for the State submitted that a huge quantity of liquor had been seized from the vehicle of the applicant / accused and thus he ought not be released on bail, as the said offence was allegedly committed upon the directions of the applicant / accused herein.

4. A perusal of the record reveals that the co-accused Ashok Dalal, to whom the applicant/accused allegedly sold his vehicle, has already been granted bail. At the time of commission of offence, it was Ashok Dalal who was driving the said vehicle. Recoveries of illicit liquor have already been effected. Further, a perusal of the reply of the IO dated 12.07.2021 reveals that as per the direction of this Court vide order dated 27.03.2021, present applicant had joined investigation on 05.04.2021.

5. In this context, 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.....”*

6. Since the applicant / accused has joined the investigation, and taking into account the submissions that the vehicle in question had already been sold to co-accused Ashok Dalal, who has already been enlarged on bail, it is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these circumstances, this court is of the opinion that the accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the applicant on the following conditions:

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount to the satisfaction of the SHO/IO.
- b) The petitioner is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all his mobile numbers to the

Investigating Officer and keep them operational at all times.

e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.

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 anticipatory bail application stands disposed off.

8. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/12.07.2021**