

Bail Application No.2058/21
FIR No. 566/18
P.S. Burari
U/s 420/120B/34 IPC
State Vs. Dheeraj Tyagi

17.08.2021

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 moved for accused Dheeraj Tyagi under Section 439 Cr.P.C., for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Mukesh Kalia, Ld. Counsel for applicant through VC.
Inspector Suresh Kumar, SHO PS Burari alongwith Inspector Suresh Kumar, SHO, PS Burari through VC.

Ld. Counsel for the applicant has sent a set of judgments through email at about 10:30 a.m., today itself.

Ld. Additional PP for the State submitted that she needs some time to go through the said judgments.

Re-list for arguments on 23.08.2021. In the meantime, Ahlmad to send the reply of the IO to Ld. Counsel for the applicant forthwith.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

Bail Application No.1902/21
FIR No. 71/2021
P.S. Wazirabad
U/s 376/506 IPC
State Vs. Amit Dedha

17.08.2021

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 moved for accused Amit Dedha under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Sunil Choudhary, Ld. Counsel for accused/applicant through VC.
Sh. Rahul Sharma, Ld. Counsel for complainant alongwith complainant through VC.

Ld. Counsel for complainant seeks adjournment stating that he has been recently engaged in the present matter.

At request, re-list for arguments on 23.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

Bail Application No.2126/2021
FIR No. 395/2021
P.S. Subzi Mandi
U/s 323/308/506/34 IPC
State Vs. Nitesh @ Nitish @ Kishore

17.08.2021

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 moved for accused Nitesh @ Nitish @ Kishore under Section 439 Cr.P.C., for grant of bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Shitez Sharma, Ld. Counsel for applicant through VC.
Complainant Sh. Varun Gupta through video conferencing.
IO/ASI Sunil Kumar through VC.

Ld. Counsel for the accused submitted that matter has been settled between the parties. In order to ascertain the veracity of the same, both parties shall appear physically in the Court tomorrow at 12:30 p.m. In the meantime, IO is directed to verify whether the settlement has been arrived at between the parties voluntarily or not. IO to remain present physically in the Court on NDOH.

Re-list on 18.08.2021 at 12:30 p.m.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

Bail Application No.2119/2021
FIR No. 4992/2020
P.S. Maurice Nagar
U/s 379/411 IPC
State Vs. Sagar

17.08.2021

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 moved for accused Sagar under Section 439 Cr.P.C., for grant of bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Unit Pal, Ld. Counsel for accused/applicant through VC.
IO/ASI Surender Kumar through VC.

Accused is shown to be involved in number of cases. However, the complete details/status of the cases are not mentioned in the SCRB report.

IO seeks some time to file complete SCRB report.

List for filing complete SCRB report/further arguments on
24.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

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

17.08.2021

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 moved under Section 439 Cr.P.C., by complainant/victim for cancellation of bail granted to the non-applicant Rohit.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Lalit Kumar, Ld. Counsel for complainant/applicant alongwith applicant.
Accused Rohit through VC.
IO/SI Harender, PS Gulabi Bagh is present through VC.

Both parties have submitted that present application may be transferred to the Court of Sh. Vijay Shankar, Ld. ASJ (Central), Tis Hazari Courts, Delhi. Accordingly, in view of their request, the application be put up before the Ld. Principal District & Sessions Judge (HQs), Central District, Tis Hazari Courts on 06.09.2021 with a request to transfer the present application to the Court of Sh. Vijay Shankar, Ld. ASJ (Central), Tis Hazari Courts, Delhi.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

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

Bail Application No. 2161/21
FIR No. 152/2021
U/s 420/120B IPC
P.S. Burari
State Vs. Vikas Jha

17.08.2021

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 Vikas Jha for grant of interim bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. S.K. Singh, Ld. Counsel for applicant through VC.
Let report of IO be called for 18.08.2021.
Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2163/21
FIR No. 643/20
U/s 323/354/354A/354B/447/427/379/506/509/34 IPC
P.S. Wazirabad
State Vs. Rajeev Kumar

17.08.2021

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 Rajeev Kumar for anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Gurmeet Singh, Ld. Counsel for applicant through VC.
Let report of IO be called for 23.08.2021.
Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2159/21
FIR No. 276/21
U/s 354/354B/354D/506 IPC
P.S. Civil Lines
State Vs. Arun

17.08.2021

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 Arun for anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. S.N. Shukla, Ld. LAC for applicant through VC.

Let report of IO be called for 23.08.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

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

Bail Application No. 2160/21

FIR No. 354/21

U/s 308/34 IPC

P.S. Burari

State Vs. Anand @ Ghungru

17.08.2021

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 Anand @ Ghungru for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Akhilesh Shukla, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2158/21

FIR No. 239/21

U/s 323/341/308/34 IPC

P.S. Bara Hindu Rao

State Vs. Sunil @ Ravi

17.08.2021

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 Sunil @ Ravi for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Ms. Nighat Malik, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021

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

Bail Application No. 2157/21

FIR No. 239/21

U/s 323/341/308/34 IPC

P.S. Bara Hindu Rao

State Vs. Arun

17.08.2021

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 Arun for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Ms. Nighat Malik, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2156/21

FIR No. 239/21

U/s 323/341/308/34 IPC

P.S. Bara Hindu Rao

State Vs. Brij Mohan @ Bade

17.08.2021

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 Brij Mohan @ Bade for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Ms. Nighat Malik, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2155/21

FIR No. 239/21

U/s 323/341/308/34 IPC

P.S. Bara Hindu Rao

State Vs. Govind Singh

17.08.2021

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 Govind Singh for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Ms. Nighat Malik, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2162/21

FIR No. 262/21

U/s 356/379/411 IPC

P.S. Civil Lines

State Vs. Mukim

17.08.2021

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 Mukim for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anil Kumar Gupta, Ld. Counsel for applicant through VC.

Let report of IO be called for 21.08.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/17.08.2021**

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

Bail Application No. 2117/21
FIR No. 138/21
U/s 307/341/34 IPC
P.S. Subzi Mandi
State Vs. Amit Pradhan

17.08.2021

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.

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

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Ashok Priyadharshi, Ld. Counsel for applicant
through VC.

IO/SI Rahul Raushan is present 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 Amit Pradhan. Arguments heard *in extenso*, the gist

whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that false case has been foisted upon the accused. It was submitted that complainant himself is drug addict and does not have clean antecedents. It was further submitted that an offence under Section 307 IPC is not made out, as despite injuries purportedly caused by a sword, they were simple in nature and the victims/injured were discharged within half an hour by the doctor. It was further submitted that no recovery has been effected from the accused herein. Lastly, he submitted that accused, being a young man of 24 years of age, has been in Judicial Custody since 03.04.2021, and since chargesheet has already been filed, no purpose would be served in detaining him any longer, and accordingly he ought to be released on bail.

3. *Per contra*, Ld Addl. PP for the State and IO have vehemently opposed the bail application as per law. It was submitted that since injuries were caused on the vital part of the bodies viz. Head, Section 307 IPC was invoked. It was further submitted that co-accused Kashi who is brother of the accused Amit Pradhan is on the run and process under Section 82 Cr.P.C., has been initiated against him.

4. Submissions of both sides 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: The present FIR was lodged on the complaint of complainant Pawan Kumar wherein he stated that on 01.04.2021 when he was going from hotel street in front of boring street, where there was fight earlier, Roop Kamal, started abusing him as soon as he reached there. He objected, then Amit Pradhan, who was on the spot with a sword in his hand and Kashi, who was with a stick in his hand, started beating him. When he opposed all three, Amit Pradhan injured him with a sword on his head, Kashi hit him with a wooden club and Raj Kamal assaulted him with kicks and punches. Meantime, one boy Parvez who was passing from there came to save him, then all the three attacked him also with sword, wooden club and kicks & punches with the intention of killing him. The complainant some how managed to escape from the spot and went to his friend Atul who was standing outside his house and asked him to take to the hospital, who got him admitted in the hospital. After sometime Parvez also came to the hospital in injured condition. Therefore, the present FIR came to be registered.

6. A perusal of the record especially the MLC reveals that complainant Pawan received lacerated wound injuries on head approximately 4 X .5 cms and other injured namely Parvez received incise wound 5 X.5 cms on the head. The above injuries *prima facie* substantiate the contention of the State that the injuries were caused

upon vital part of the body. During the course of arguments, it was brought to the fore that co-accused Kashi, who is brother of the accused herein, is on the run and against whom process under Section 82 Cr. P.C., has already been initiated. The co-accused have not been yet arrested in this matter.

7. After considering over all the facts and circumstances of the case, taking into the account the gravity of the offence, severity of the punishment that it entails and the role attributed to the applicant, this Court of the considered opinion that no ground of grant of the bail is made out at this juncture. Accordingly, this Court is not inclined to grant bail to the accused Amit Pradhan at this juncture, and therefore present application is hereby dismissed.

8. With these observations, the bail application moved on behalf of accused/applicant Amit Pradhant 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/17.08.2021

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

Bail Application No. 1918/21

FIR No. 567/16

U/s 420/468/471 IPC R/w Sec. 14 of Foreigners Act

P.S. Burari

State Vs. Obeifoka Friday Okeke @ Obiora Tony Okeke

17.08.2021

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

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.

Sh. Anoop Kumar Gupta, Ld. Counsel for applicant through VC.

IO/SI Suresh Bhatia present through VC.

TCR received. Same is perused.

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 submitted that applicant is in J/C since 04.09.2019, and strenuously canvassed that charges have also been framed qua the applicant. Ld. Counsel thus submitted that applicant has been in custody for an inordinate period of time. Ld. Counsel further placed reliance on the following judgments to contend that the applicant deserves right to be granted bail:-

(i) Starkl Ferdinand Vs. State (Customs), 2005 (32) AIC 193,

(ii) Sartori Livio Vs. State (Delhi Admin.), 2005 (80) DRJ 482,

(iii) Lambert Kroger Vs. Enforcement Directorate, 2000 (2) CCR 293,

(iv) Inder Mohan Goswami Vs. State of Uttaranchal & Ors., Crl. Appeal No. 1392 of 2007 passed by Hon'ble Supreme Court of India on 09.10.2017

(v) R.D. Upadhyay Vs. State of Andhra Pradesh & Ors., 1996 (4) Scale (SP) 11

3. Ld. counsel for applicant further submitted that provisions of Section 437(6) Cr.P.C. are also applicable in the present matter. It was further contended by Ld. Counsel for applicant that this is the second bail application filed on behalf of the applicant, and the previous one was dismissed by Ld. ASJ-05, Central District vide order dated 15.06.2021. It was submitted that at the time of arguing the above said first bail application, the applicant/accused did not place reliance on *R.D. Upadhyay's* judgment and on Section 437 (6) Cr.P.C.

4. Per *contra*, Ld Addl. PP for the State alongwith the IO vehemently opposed the application as per the law. It was cited that applicant has a previous involvement.
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 on 05.11.2016 a complaint was received at P.S. Burari, Delhi from Narcotics Control Bureau, Delhi Zonal Unit, West Block-I, Wing No. 7, R.K. Puram, Sec-1, New Delhi wherein Zonal Director of NCB alleged that he arrested accused Obeifoka Friday Okeke (Nigerian National) in case no. SC/9491/2016 NCB, New Delhi. During the course of investigation, the original passport no. A-00733056 and India VISA No. VJ 5884743 of accused were taken into police possession. The VISA and the passport of the accused were sent to Ministry of External Affairs & Nigerian Embassy for verification. The report of verification of VISA has been received to NCB and found that VISA affixed on the passport of the accused was issued on the name of one Oluwakemi Kemmie Amokade and not in the name of accused. This indicated that accused is not having VISA to stay in India. As per the contents of the complaint, case was registered against the accused.
6. At this juncture, it would be apposite to reproduce the following extracts of *Starkl Ferdinand Vs. State (Customs)(Supra)*:-

“3. Upon considering the arguments advanced by the parties, I fell that in this case merely because the petitioner is a

foreigner, it does not necessarily mean that he is to be denied the benefit of bail. While it is true that in many cases where foreigners are involved they somehow or the other manage to leave the country. However, it cannot be assumed that this should be the case in every situation in which a foreigner is involved. It is for the State authorities to ensure that such persons do not leave the territory of India.”

7. Similarly, it was held in **Sartori Livio Vs. State (Delhi Admin.) (Supra)** as thus:-

“Another argument that has been made by learned counsel for the Customs is that the petitioner is a foreigner and, therefore, should not be enlarged on bail. This argument must be heard and rejected. It would be a shame if courts are going to keep persons incarcerated merely because they are of foreigner origin even though prima facie no case is made out against them. This would be a negation of the valued principles of rule of law and violative of the constitutional mandate and principles of human rights.”

8. The above two judgments were relied upon by Ld. Counsel for the applicant to contend that merely because the applicant herein is a foreigner he ought not to be discriminated only on this ground while adjudicating a bail application. To allay the apprehensions qua his non-appearance, Ld. Counsel for the applicant had submitted that stringent conditions be imposed while granting bail.

9. In this context, it would be apt to refer to the following extracts of **Lambert Kroger Vs. Enforcement Directorate (Supra)**:-

“18.....The main evidence in this case is based on articles and documents which have already been seized by the

respondent. I do not find any reason to apprehend that the petitioner will be able to tamper with evidence if he is released on bail. Admittedly the petitioner's passport is with the respondent and ordinarily the petitioner cannot leave the country without the passport. Though the possibility of fleeing from trial may be more in the case of a foreigner national, it cannot be said that an accused cannot be granted bail merely because he is a foreigner national. There is no law which authorises or permits discrimination between a foreigner national and an Indian national in the matter of granting bail what is permissible is that, considering the facts and circumstances of each case, the Court can impose different conditions to ensure that the accused will be available for facing trial."

10. Lastly, it would be utmost importance to refer to **R.D. Upadhyay Vs. State of Andhra Pradesh & Ors. (Supra)** wherein it was laid down as thus:-

"3. So far as the cases regarding attempt to murder are concerned, we direct that the cases which are pending for more than 2 years, the under-trials shall be released on bail forthwith to the satisfaction of the respective trial courts. Persons facing trial for Kidnapping, Theft, Cheating, Arms Act, Counterfeiting, Custom, Under Section 326 I.P.C., Under Section 324 IPC., Riots and Under Section 314 I.P.C. who are in jail for a period of more than one year shall be released on bail forthwith to the satisfaction of the trial courts concerned. There may be cases where the under-trial persons may not be in a position to furnish sureties etc. In those cases, the trial courts may consider – keeping in view the facts of each case especially the period spent in jail – releasing them on bail – by furnishing persona bonds."

11. A perusal of the record reveals that the applicant is in J/C since

04.09.2019. Charge sheet has already been filed in the present matter and charges were framed on 17.03.2021. Since the TCR was requisitioned, a perusal of order dated 17.03.2021 reveals that the matter was listed from 17.03.2021 to 09.04.2021 for the purposes of prosecution evidence. However, due to the pandemic, matters were adjourned *en-bloc*, and prosecution evidence has not commenced. A period of 60 days has thus elapsed from the first date fixed for taking evidence in that case, and during the said period the applicant has been in custody during the whole of the said period.

12. Under these circumstances, keeping in view the fact that charge sheet has already been filed in this case and charges were also framed, coupled with the mandate of the judgments cited above this court is of the opinion that the applicant be granted bail. Accordingly, the applicant is admitted on bail on furnishing bail bond and surety bond of Rs 50,000/- 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 complainant 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 alongwith 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.
 - v. He shall not to leave the NCT of Delhi without prior permission of the Court. IO is directed to take necessary steps to initiate LOC proceedings, if required.
 - vi. He shall surrender his passport in the Court concerned.
13. 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 alongwith the copy of today's order to the Court concerned.
14. 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/17.08.2021