

Misc. Application No.325/21
FIR No.36/21
PS Bara Hindu Rao
U/s 392/394 IPC
State Vs. Asif @ Lambu

31.07.2021

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.

Fresh application moved for accused Asif @ Lambu, for correction in the order dated 28.07.2021.

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

None for applicant.

Reader of the Court has informed to the Court that the same application has already been disposed of vide order dated 30.07.2021 by the Court as the said application has directly been received through email ID of the Court. Therefore, nothing remains to be done in the present application. Accordingly, same is disposed off.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/31.07.2021

Bail Application No.1956/21
FIR No.0110/2019
PS : Burari
U/s 498A/406/34 IPC
State Vs. Santosh Singh Bora

31.07.2021

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 moved for accused Santosh Singh Bora under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Ayush Gupta, Ld. Counsel for accused/applicant
through VC.

Ld. Counsel for accused has submitted that he wants to withdraw the present application as charge-sheet in the present case has already been filed without arrest of the accused, and there is no apprehension of arrest of accused/applicant herein. In view of submissions of Ld. Counsel for accused/applicant, present application is dismissed as withdrawn.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/31.07.2021

Bail Application No.2020/21
FIR No.0125/2021
PS Crime Branch
U/s 392/397/342/411/120B/34 IPC & 25/27 Arms Act
State Vs. Sunder

31.07.2021

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

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

Mr. Tanseer Ahmed , Ld. Counsel for accused/applicant through VC.

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

List for arguments on the application on 05.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/31.07.2021

Bail Application No.2019/21
FIR No.491/21
PS Wazirabad
U/s 354/341/323/506/34 IPC
State Vs. Shiv Kumar
Mehto

31.07.2021

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.

Fresh application moved for accused Shiv Kumar Mehto under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Pradeep Maurya, Ld. Counsel for accused/applicant through VC.

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

List for arguments on the application on 05.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/31.07.2021

FIR No.491/21
PS Wazirabad
U/s 354/341/323/506/34 IPC
State Vs. Manoj Kumar

31.07.2021

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.

Fresh application moved for accused Manoj Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Pradeep Maurya, Ld. Counsel for accused/applicant through VC.

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

List for arguments on the application on 05.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/31.07.2021

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

Bail Application No. 1942/21
FIR No. 196/21
U/s 448/380/506/34 IPC
P.S. Bara Hindu Rao
State Vs. Ajay Kapoor

31.07.2021

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 438 Cr.P.C. has been filed on behalf of accused Ajay Kapoor for grant of anticipatory bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Ms. Seema Gupta, Ld. Counsel for applicant through VC.
IO/ASI Arvind Kumar is present through VC.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that there has been a substantial delay in lodging the FIR in as much as the date of

occurrence was 16.03.2021 whereas the FIR was registered on 13.07.2021. It was contended that the property in question was ancestral property, and was in a dilapidated condition, hence notice was received from NDMC to repair it. It was submitted that repairs of the property began on 13.03.2021, and on 16.03.2021 there was interference by the complainants, and thus the present dispute arose. Thus, it has been submitted that since the false and fabricated case has been foisted upon the applicant, he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that applicant has committed the similar types of offences earlier. It has further been submitted that investigation is at the initial stage. IO further submitted that the complainant is senior citizen of 75 years, and that when statement of her son Deepak Kapoor was recorded u/s 161 Cr.P.C., it was revealed that co-accused Shahid @ Bittu gave threats at gun point. It was also submitted that co-accused Shahid @ Bittu has six previous involvements.

4. Submissions heard and record perused.

5. A perusal of the record reveals that applicant Ajay was convicted by the Court of Sh. Harjit Singh Jaspal, Ld. MM on 27.11.2018 in case FIR No. 45/2010, U/s 323/341/448/506/34 IPC, P.S. Bara Hindu Rao in respect of same property matter and complainant Deepak Kapoor. Further, during the course of arguments it was pointed out by the IO that co-accused Shahid @ Bittu has been previously involved in 6 cases.

Apprehensions have been expressed that the applicant may threaten or influence the complainant Usha Kapoor and her son Deepak Kapoor, and noting the prior history of applicant, this apprehension seems justified. It was further brought on record the applicant has not cooperating with the investigation.

6. Regarding the issue of cooperation with the investigating agencies, it would 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. Under these circumstances, taking into the account the nature of the offence, factum of the applicant not joining or cooperating with the

investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. 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/31.07.2021

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

Bail Application No. 1943/21

FIR No. 196/21

U/s 448/380/506/34 IPC

P.S. Bara Hindu Rao

State Vs. Atul Kapoor

31.07.2021

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 438 Cr.P.C. has been filed on behalf of accused Atul Kapoor for grant of anticipatory bail.

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

Ms. Seema Gupta, Ld. Counsel for applicant through VC.

IO/ASI Arvind Kumar is present through VC.

Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

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

2. Ld. Counsel for applicant /accused submitted that there has been a substantial delay in lodging the FIR in as much as the date of

occurrence was 16.03.2021 whereas the FIR was registered on 13.07.2021. It was contended that the property in question was ancestral property, and was in a dilapidated condition, hence notice was received from NDMC to repair it. It was submitted that repairs of the property began on 13.03.2021, and on 16.03.2021 there was interference by the complainants, and thus the present dispute arose. Thus, it has been submitted that since the false and fabricated case has been foisted upon the applicant, he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that applicant has committed the similar types of offences earlier. It has further been submitted that investigation is at the initial stage. IO further submitted that the complainant is senior citizen of 75 years, and that when statement of her son Deepak Kapoor was recorded u/s 161 Cr.P.C., it was revealed that co-accused Shahid @ Bittu gave threats at gun point. It was also submitted that co-accused Shahid @ Bittu has six previous involvements.

4. Submissions heard and record perused.

5. A perusal of the record reveals that applicant Atul Kapoor was convicted by the Court of Sh. Harjit Singh Jaspal, Ld. MM on 27.11.2018 in case FIR No. 45/2010, U/s 323/341/448/506/34 IPC, P.S. Bara Hindu Rao in respect of same property matter and complainant Deepak Kapoor. Further, during the course of arguments it was pointed out by the IO that co-accused Shahid @ Bittu has been previously involved in 6

cases. Apprehensions have been expressed that the applicant may threaten or influence the complainant Usha Kapoor and her son Deepak Kapoor, and noting the prior history of applicant, this apprehension seems justified. It was further brought on record the applicant has not cooperating with the investigation.

6. Regarding the issue of cooperation with the investigating agencies, it would 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. Under these circumstances, taking into the account the nature of the offence, factum of the applicant not joining or cooperating with the

investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. 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/31.07.2021

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

Bail Application No. 1940/21
FIR No. 472/21
U/s 379/411/34 IPC
P.S. Wazirabad
State Vs. Gufran

31.07.2021

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 accused Gufran for grant of regular bail.

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.
Sh. Shanker Datt Gahtori, Ld. Counsel for applicant through VC.
Report of IO 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 is in J/C since 06.07.2021. Ld. Counsel has vehemently contended that

there is a material improvement in the statement given by the complainant on 06.07.2021 wherein he has identified the applicant. Ld. Counsel for the applicant has further contended that initially on 27.06.2021 the complainant gave a statement that he could not identify the applicant. Thus, according to Ld. Counsel for applicant, the version of the prosecution cannot be relied upon. Ld. Counsel has further submitted that mobile phone has not been recovered, and no recovery has been effected from the applicant. Lastly, Ld. Counsel for applicant submitted that a false and fabricated case has been foisted upon the applicant and since applicant does not have any previous involvement, he ought to be released on bail.

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the bail application as per law. It was submitted that brother of the applicant is BC and recovery has already been effected.
4. Submission heard record perused.
5. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued

incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraph.

6. A perusal of the record reveals that at the first instance, the complainant explicitly stated that due to darkness he could not see the assailants. This fact finds mention in the FIR also. Thereafter, as per Ld. Counsel for applicant, on the basis of suspicion the applicant was arrested on 06.07.2021. Recovery of case property has not been effected from the applicant herein despite his arrest. Further, as per the report of the IO the applicant has clean antecedents.
7. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Gufran is admitted on bail on furnishing bail bond and surety bond of Rs 10,000/- 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.

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 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/31.07.2021

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

Bail Application No. 1982/21

FIR No. 196/21

U/s 448/380/506/34 IPC

P.S. Bara Hindu Rao

State Vs. Shahid @ Bittu

31.07.2021

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 438 Cr.P.C. has been filed on behalf of accused Shahid @ Bittu for grant of anticipatory bail.

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

Sh. Sohrab Khan, Ld. Counsel for applicant through VC.

IO/ASI Arvind Kumar is present through VC.

Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

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

2. Ld. Counsel for applicant /accused submitted that there is a property dispute which has been given a criminal hue. It has been

submitted that there are cross cases between the parties. It was also submitted that IO did not call the applicant for the investigation.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that applicant has committed the similar types of offences earlier. It has further been submitted that investigation is at the initial stage. IO further submitted that the complainant is senior citizen of 75 years, and that when statement of her son Deepak Kapoor was recorded u/s 161 Cr.P.C., it was revealed that applicant Shahid @ Bittu gave threats at gun point. It was also submitted that applicant Shahid @ Bittu has six previous involvements.

4. Submissions heard and record perused.

5. A perusal of the record reveals that applicant co-accused Atul Kapoor and Ajay Kapoor were convicted by the Court of Sh. Harjit Singh Jaspal, Ld. MM on 27.11.2018 in case FIR No. 45/2010, U/s 323/341/448/506/34 IPC, P.S. Bara Hindu Rao in respect of same property matter and complainant Deepak Kapoor. Further, during the course of arguments it was pointed out by the IO that applicant Shahid @ Bittu has been previously involved in 6 cases. Apprehensions have been expressed that the applicant may threat or influence the complainant Usha Kapoor and her son Deepak Kapoor, and noting the prior history of applicant, this apprehension seems justified. It was further brought on record the applicant has not cooperating with the investigation.

6. Regarding the issue of cooperation with the investigating agencies, it would 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. Under these circumstances, taking into the account the nature of the offence, factum of the applicant not joining or cooperating with the investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. 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/31.07.2021