

Bail Application No. 1456/2020
FIR No.: 157/2020
PS : DBG Road
U/s : 392/397/395/34 IPC & 25 Arms Act
State Vs Mohd. Shoaib Khan

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SHO DBG Road along with IO/ SI Ramavtar.
Sh. Saurabh Tyagi, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on the bail application heard.
Put up at 4 PM for orders.

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:16:36 +0530

At 5:00 PM

Present : None.

No time left for dictating the order.

Put up on 08.10.2020 for orders on the bail application.
TCR be also called through Robkar for tomorrow.

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
17:16:44 +0530

Bail Application No. 1363/2020
FIR No.: 130/2020
PS : Nabi Karim
U/s : 33/58 Delhi Excise Act
State Vs Rakhi

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SHO PS Nabi Karim along with IO/ HC Sanjeev Kumar.
Sh. Sunil Tiwari, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

During the course of arguments, Ld. Addl. PP on instructions of concerned IO / SHO, has informed the Court that this applicant has already joined the investigation in terms of the previous order passed by the Court.

The present applicant is the wife of accused Vikas who was allegedly found in possession of illicit liquor in this case. It is submitted by SHO PS Nabi Karim that this applicant was asked to join the investigation as the mobile phone number found to be used by accused Vikas, was issued in the name of this applicant. However, SHO has submitted before the Court that as per their investigation, this applicant is not wanted as an accused in this case.

In view of the aforesaid submissions made by SHO PS Nabi Karim, counsel of applicant / accused does not press the present bail application. On his request, the present bail application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.07
17:51:21 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1461/2020
FIR No.: 266/2020
PS : Nabi Karim
U/s : 308/506/34 IPC
State Vs Shariq

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Concerned IO is not present.
Sh. Shiv Kumar Gautam, Advocate for applicant / accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Concerned IO / Inspector Incharge has not joined the hearing through Video Conferencing today.

Ld. Addl PP submits that without assistance of IO, he is not in a position to advance the arguments on behalf of State today.

In view of the aforesaid facts and circumstances, let the aforesaid conduct on the part of concerned IO and SHO of PS Nabi Karim be brought to the notice of concerned DCP, Central District for taking appropriate departmental action against them and to submit Action Taken Report before the Court on or before next date of hearing. He is further directed to ensure that the concerned IO joins the hearing through V/C positively on the next date. **Copy of this order be also sent to concerned DCP for information and necessary compliance.**

In the mean time, without commenting on the merits of the case, no coercive action shall be taken against the applicant / accused till next date of hearing, subject to his joining the investigation if so required.

Copy of this order be given dasti to both the sides electronically as per rules.

Put up on 17.10.2020 for Action Taken Report on behalf of DCP and for arguments on the bail application.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:52:19 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1462/2020
FIR No.: 202/2020
PS : Paharganj
U/s : 376 IPC
State Vs Adnan

07.10.2020

This is an application u/s 439 (2) Cr.PC seeking cancellation of bail moved by complainant.

Present: Sh. Chander Shekhar Azad, Advocate for applicant/
complainant.
Sh. Balbir Singh, Id. Addl. PP for the State.
None is present on behalf of concerned IO/ SHO.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply filed under the signature of ASI Sohan Singh but same is not forwarded by concerned SHO.

Neither concerned IO nor any other police official has joined the hearing through Video Conferencing today.

Ld. Addl PP submits that the reply filed in the Court, is totally vague and it does not contain any reply with regard to the averments made in the application under consideration.

The aforesaid submission of Id. Addl. PP is found to be correct. Instead of filing the status report with regard to the grounds for cancellation of bail raised in the present application, the allegations of FIR are shown to have been merely reproduced in the said reply. Moreover, Id. Addl. PP submits that without assistance of IO / SHO, he is not in a position to make any submission and to provide any assistance to the Court in the present matter.

In view of the aforesaid facts and circumstances, let the aforesaid conduct on the part of concerned IO and SHO of PS Paharganj be brought to the notice of concerned DCP, Central District for taking appropriate departmental action against them and to submit Action Taken Report before the Court on or before next date of hearing. He is further directed to ensure that the concerned SHO joins the hearing through V/C positively on the next date and detailed status report is filed by concerned SHO under his own signature on the next date.

Copy of this order be also sent to concerned DCP for information and necessary compliance.

Put up on 14.10.2020 for Action Taken Report of concerned DCP and for consideration of the application.

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
17:51:38 +0530

Bail Application No. 1464/2020
FIR No.: Not Known
PS : Nabi Karim
U/s : Not Known
State Vs Aftab Alam

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SI Manmeet Singh of PS Nabi Karim is present.
Sh. Mohd. Yusuf, Advocate for applicant.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

It is mentioned in the reply filed on behalf of concerned SHO that no complaint whatsoever has been received against present applicant at PS Nabi Karim and no FIR has been registered against him at the said PS till date.

In view of the aforesaid reply, counsel for applicant is called upon to advance arguments on the maintainability of the present anticipatory bail application as there seems to be no reasonable apprehension of arrest of applicant as of now.

There is connectivity problem from the side of counsel of applicant, due to which his submissions are not audible during the course of hearing through VC.

In view of above facts and circumstances, the bail application is adjourned to 12.10.2020 for arguments on the maintainability of present bail application.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:53:06 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1207/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Bhrm Prakash s/o Richa Rama

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
17:53:39 +0530

Contd....2/

Bail Application No. 1207/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Bhram Prakash s/o Richa Rama

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:53:47 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1205/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Bhupinder Kumar s/o Bhram Prakash

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:54:25 +0530

Contd....2/

Bail Application No. 1205/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Bhupinder Kumar s/o Bhram Prakash

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.07
17:54:32
+0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1455/2020
FIR No.: 299/2020
PS : Chandni Mahal
U/s : 354/452/504/506/34 IPC
State Vs Bittoo @ Mohd. Arif

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SI Pushpender Singh on behalf of IO is present.
Ms. Seema Gupta, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

It is argued by counsel for applicant / accused that the applicant is young boy having clean antecedents and is the sole bread earner of his family. It is further argued that no specific role whatsoever is attributed to this applicant in the entire FIR and the alleged offences are not attracted against him. It is further argued that applicant is not required for custodial interrogation and he is ready to join the investigation if so required but since he apprehends his arrest in this case, he may be protected.

On the other hand, the bail application is opposed by Id. Addl. PP on the ground that this applicant was equally involved in the commission of offences involved in this case as he had accompanied co-accused persons namely Sikandar and Raja to the house of complainant and did not stop co-accused Sikandar from beating the husband of complainant and from misbehaving with the complainant. It is therefore urged that the bail application may be dismissed.

In brief, it is alleged in the FIR that on 17.09.2020 at 11:30 pm, the present applicant along with co-accused Sikandar and Raja went to the roof of the house of complainant, where co-accused Sikandar gave beatings to the husband of complainant and when complainant came upstairs on hearing the cries of her husband, co-accused Sikandar pulled her from her collar and started dragging her and also extended threats to her for facing dire consequences and also misbehaved with her and she was saved by her husband.

Bail Application No. 1455/2020
FIR No.: 299/2020
PS : Chandni Mahal
U/s : 354/452/504/506/34 IPC
State Vs Bittoo @ Mohd. Arif

-2-

During the course of arguments, IO has produced copy of statement under Section 161 Cr.P.C. of husband of complainant, which has also been perused by the Court. Neither in the FIR nor in the statement under Section 161 Cr.P.C. of husband of complainant, any specific role whatsoever has been attributed to the present applicant. Moreover, the custodial interrogation of this applicant is not shown to be required in the given facts and circumstances.

After considering the facts and overall circumstances of the present case, including the fact that custodial interrogation of the applicant/ accused is not required and in the light of discussion made herein above, the Court is of the view that the applicant /accused has made out a ground for grant of pre-arrest bail to him. Accordingly, the present bail application is hereby allowed and it is hereby ordered that in the event of his arrest, the applicant/ accused namely **Bittoo @ Mohd. Arif** shall be released on bail subject to furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of IO/ SHO/ Arresting Officer and subject to the conditions that he shall join the investigation as and when so required and shall co-operate with the investigating agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
17:55:43 +0530

Bail Application No. 1208/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Deepak Kumar s/o Bhram Prakash

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:56:13 +0530

Contd....2/

Bail Application No. 1208/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Deepak Kumar s/o Bhram Prakash

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

**VIDYA
PRAKASH**

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:56:24 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1210/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Kalawati Devi w/o Shekhar Kumar

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:56:50 +0530

Contd....2/

Bail Application No. 1210/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Kalawati Devi w/o Shekhar Kumar

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.07
17:57:00 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1457/2020
FIR No.: 200/2020
PS : Paharganj
U/s : 308/34 IPC
State Vs Mahesh @ Bali

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Abhayraj is present.
Sh. Anil Kumar Mishra, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

After referring to the allegations appearing in the FIR, counsel for applicant / accused has argued that the applicant is totally innocent and he has been falsely implicated in this case; he is having clean antecedents and he is in custody since 12.09.2020. It is further argued that no role whatsoever has been assigned to this applicant and the applicant is the sole bread earner of his family and his son is suffering from mild mental disorder. It is further argued that nature of injury sustained by complainant is simple on his MLC and even Section 308 IPC is not attracted in this case. It is further argued that the applicant is no more required for the purpose of investigation and no useful purpose would be served by keeping him behind the Jail. It is further argued that nothing incriminating has been recovered either from the possession of this applicant or at his instance. It is, therefore, urged that the applicant may be released on bail.

Per contra, the bail application is opposed by Ld. Addl. PP, on the ground that allegations against the applicant are grave and serious. It is argued that similar bail application of four other co-accused persons have already been dismissed by Sessions Court and another co-accused namely Kalu is absconding in this case. It is further argued by Ld. Addl. PP that victim Lokesh remained hospitalised for five days and the incident was also captured in CCTV Camera, whereby the presence of this applicant at the spot is duly established and he is found hitting victim Lokesh with bamboo stick. It is, therefore, urged that the bail application may be dismissed

Contd....2/

**VIDYA
PRAKASH**

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:57:37 +0530

Bail Application No. 1457/2020
FIR No.: 200/2020
PS : Paharganj
U/s : 308/34 IPC
State Vs Mahesh @ Bali

-2-

During the course of arguments, IO has verified that the presence of this applicant at the spot is established from the CCTV Footage seized during investigation. He has pointed out that result on MLCs of both the victims is opined to be simple but victim Lokesh remained admitted in hospital from 24.08.2020 till 28.08.2020. IO has also produced MLCs of both the victims namely Lokesh and Man Singh and both of them are shown to have sustained multiple wounds on their vital parts including parietal area and occipital region. The investigation is shown to be at crucial stage and one of the co-accused person is still absconding in this case. Furthermore, the present applicant is shown to be found previously involved in three other criminal cases.

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences, the role allegedly played by present applicant and the discussion made herein above, the Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:57:47 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1460/2020
FIR No.: 266/2020
PS : Nabi Karim
U/s : 308/506/34 IPC
State Vs Mohd. Faiz Khan

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Concerned IO is not present.
Sh. Shiv Kumar Gautam, Advocate for applicant / accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Concerned IO / SHO has not joined the hearing through Video Conferencing today.

Ld. Addl PP submits that without assistance of IO / SHO, he is not in a position to advance the arguments on behalf of State today.

In view of the aforesaid facts and circumstances, let the aforesaid conduct on the part of concerned IO and SHO of PS Nabi Karim be brought to the notice of concerned DCP, Central District for taking appropriate departmental action against them and to submit Action Taken Report before the Court on or before next date of hearing. He is further directed to ensure that the concerned IO joins the hearing through V/C positively on the next date. **Copy of this order be also sent to concerned DCP for information and necessary compliance.**

In the mean time, without commenting on the merits of the case, no coercive action shall be taken against the applicant / accused till next date of hearing, subject to his joining the investigation if so required.

Copy of this order be given dasti to both the sides electronically as per rules.

Put up on 17.10.2020 for Action Taken Report on behalf of DCP and for arguments on the bail application.

VIDYA PRAKASH
Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:58:50 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1382/2020
FIR No.: 961/2020
PS : Jama Masjid
U/s : 379/411/34 IPC
State Vs Nazbul Hassan @ Jaigum

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SHO Jama Masjid along with IO/ ASI Deshraj are present.
Sh. Ravinder Kumar, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part arguments heard. Reply perused.

As per reply of IO and the list of previous involvement filed therewith, the present applicant /accused is claimed to be found previously involved in as many as 91 cases.

Ld. Addl. PP, on instructions of IO / SHO, submits that the applicant has already been convicted in three criminal cases and majority of the remaining cases are still pending trial against him.

The aforesaid submission is strongly disputed by counsel of applicant / accused, who states at Bar that as per his instructions, the applicant / accused is already convicted in three criminal cases and is presently facing trial only in six criminal cases and he has already been released / discharged in remaining criminal cases as he was got implicated in all those other cases merely on the basis of disclosure statements.

In view of the above said facts and circumstances, SHO PS Jama Masjid who has submitted before the Court that investigating agency is in the process of invoking penal offences under Section 75/413 IPC against this applicant after collecting the relevant evidence with regard to said offences, is directed to verify the exact status regarding pendency or otherwise of the criminal cases in which the present applicant is shown to be found previously involved as per list of his previous involvements filed before the Court and also to clarify the position regarding invocation of offences under Section 75/413 IPC against this applicant / accused to the Court by filing detailed status report on the next date of hearing.

Put up on 17.10.2020 for further arguments on the bail application. **TCR be also called for the next date of hearing as per rules.**

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
17:59:50 +0530

Bail Application No. 1454/2020
FIR No.: 150/2020
PS : Jama Masjid
U/s : 451/387/506/34 IPC
State Vs Rehan Qureshi

07.10.2020

This is an application u/s 439 Cr.PC for grant of bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SHO Jama Masjid along with IO/ ASI Amar Pal are present.
Sh. Vishal Chopra, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

After referring to the allegations appearing in the FIR, counsel for applicant has argued that the applicant is innocent and has been falsely implicated in this case and he is not previously convicted in any criminal case. It is further argued that FIR in question is based on false and concocted story and there are contradictory allegations made therein to the extent that the applicant asked the phone number of owner of the property namely Arshad Ali who is running general with the name of "Din Duniya" from the builder namely Gul Mohd and Gul Mohd refused to provide the number but still it is further alleged that this applicant made ransom call of Rs.5,00,000/- from the complainant. It is further argued that allegation of demand of Rs.5,00,000/-, is missing in the FIR and same was incorporated in the statement under Section 161 Cr.P.C. of the relevant witnesses as an afterthought. It is further argued that even in the CCTV footage seized in this case, this applicant is shown hugging the builder Gul Mohd.in a very good taste and he was not carrying or showing any kind of weapon to Gul Mohd.at that time. It is further argued that this applicant is got falsely implicated by complainant due to ulterior motive and in order to settle his personal score with him. It is further argued that applicant got married two weeks prior to his arrest in this case and he is not required for the purpose of the investigation in any manner and he is ready to abide by the terms and conditions as may be imposed upon him by the Court while granting bail to him.

VIDYA
PRAKASH

Digitally signed by VIDYA
PRAKASH
Date: 2020.10.07 18:00:10
+0530

Contd...2/

Bail Application No. 1454/2020
FIR No.: 150/2020
PS : Jama Masjid
U/s : 451/387/506/34 IPC
State Vs Rehan Qureshi

-2-

On the other hand, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against the present applicant are grave and serious and also on the ground that the applicant is habitual offender seriously found involved in 31 criminal cases and he is known anti social element in the locality. He further argued that this applicant visited the house of complainant during late night hours on 22.09.2020 at 3:00 am and this incident is duly captured in the CCTV camera installed at the premises. It is further argued that the associates of applicant are extending threats and pressurizing the complainant to withdraw the present complaint, for which he has also filed written complaints dt. 25.09.2020 at PS Jama Masjid and therefore, the applicant may pose threat to the life of complainant in the event of his release on bail. It is, therefore, urged that the bail application may be dismissed.

No doubt, FIR is silent about the exact amount demanded as extortion money by this applicant, who is named therein, but it is mentioned in the FIR itself that in case his demand is not fulfilled then the complainant will have to face the dire consequences.

On query, IO and SHO have informed the Court that present FIR was registered on the basis of written complaint filed by complainant who is owner of the property which was under construction at the relevant time and demand for extortion money was made from the builder namely Gul Mohd. who was present in the house at that time and that is why, the exact amount of Rs.5,00,000/- demanded by this applicant as extortion money, came to surface in the statement under Section 161 Cr.P.C. of the public witnesses.

The present applicant is visible while visiting the house under construction of complainant on 22.09.2020 at 3:00 am and meeting with Gul Mohd. It is not explained from the side of applicant as to what was the occasion for him to visit the said house at such odd hours when he had nothing to do with the commission of alleged crime. He is claimed to be history-sheeter and as many as 31 criminal cases are shown to have been registered against him. Moreover, the complainant is stated to be receiving threats from the associates of this

contd....3/

VIDYA
PRAKASH

Digitally signed by VIDYA
PRAKASH
Date: 2020.10.07 18:00:22
+0530

Bail Application No. 1454/2020
FIR No.: 150/2020
PS : Jama Masjid
U/s : 451/387/506/34 IPC
State Vs Rehan Qureshi

-3-

applicant to face dire consequences in case he will not withdraw the present FIR. Copy of police complaint dt. 25.09.2020 lodged by complainant with the concerned SHO, is also placed on record. Thus, there is a threat perception to the life of complainant in the event of release of applicant on bail at this stage.

After considering the overall facts and circumstances of the case including the nature of allegations, the gravity of offences, the manner in which offences are shown to have been committed by the present applicant, his previous involvements and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Accordingly, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.07
18:00:54 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1381/2020
FIR No.: 127/2020
PS : Sadar Bazar
U/s : 498-A/304-B IPC
State Vs Sanjay Rathor

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ Inspector Pawan Kumar is present.
Sh. Govind Rishi, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

After referring to the allegations appearing in the FIR, counsel for applicant has argued that the applicant is innocent and has been falsely implicated in this case and he is having clean antecedents. It is further argued that the applicant is in custody since 08.06.2020 and complainant got him falsely implicated out of grudge as his sister committed suicide on her own. It is further argued that deceased, who was wife of applicant / accused, was of quarrelsome nature and she was pressurizing the applicant for partition of the house after she got pregnant and on expressing inability to fulfill her that demand, deceased used to torture the applicant and his family members including mother and both the children from his first marriage. In support of his submissions, counsel of applicant has referred to the copies of police complaints purportedly filed by family members including daughter of applicant against deceased during her life time. He also referred two OPD cards / medical documents of applicant filed along with bail application in order to bring home his point that deceased had beaten up the applicant accused on 04.05.2020 and had given him bite marks. It is further argued that investigation is already completed and charge-sheet has already been filed in this case and the applicant should not be confined in jail as pre-trial punishment for him. It is further argued that the applicant is having family responsibility for looking after his mother and two minor children and since trial is not likely to be completed in near future due to pandemic situation, the applicant deserves to be released on bail.

Contd.....2/

**VIDYA
PRAKASH**

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:01:44 +0530

Bail Application No. 1381/2020
FIR No.: 127/2020
PS : Sadar Bazar
U/s : 498-A/304-B IPC
State Vs Sanjay Rathor

-2-

On the other hand, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against the present applicant are grave and serious. It is further argued that there are direct and specific allegations against this applicant that he used to harass, torture and beaten up deceased in connection with his demand for dowry. Ld. Addl. PP pointed out that deceased had lodged police complaint against the applicant during her life time, copy of which is stated to be part of the charge-sheet. Ld. Addl. PP also referred to the relevant portion of the FIR wherein it is alleged that this applicant did not give even a single penny to deceased during lockdown period and thereby forced her to commit suicide. It is further argued that matter is at initial stage and even charge is yet to be framed in this case and therefore the bail application may be dismissed.

In brief, it may be noted that it was second marriage of applicant /accused with deceased, which took place on 07.01.2018 and out of their said wedlock, one male child was also born. Said child is stated to be presently aged about 15 months old. The deceased committed suicide on 07.06.2020 i.e. within the period of two and half years of her marriage with present applicant. As per PM Report, cause of death is asphyxia as a result of ante-mortem hanging.

In the FIR in question, the complainant who is brother of deceased, has specifically alleged about the harassment and torture, mental as well as physical, given to the deceased by this applicant. FIR in question was registered on the basis of statement of complainant recorded by SDM Kotwali. The applicant allegedly demanded a sum of Rs.2,00,000/- from deceased in connection with demand of dowry. Deceased is stated to have filed complaint before CAW Cell, North prior to her death. She is shown to have committed suicide within two and half years of her marriage with this applicant and thus, the presumption contained in Section 113-B of Indian Evidence Act also comes into operation in favour of the prosecution. Moreover, case is at initial stage and even charge has not yet been framed.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
18:01:56 +0530

Contd...3/

Bail Application No. 1381/2020
FIR No.: 127/2020
PS : Sadar Bazar
U/s : 498-A/304-B IPC
State Vs Sanjay Rathor

-3-

After considering the overall facts and circumstances of the case including the nature of allegations, the gravity of offences, the manner in which offences are shown to have been committed by the present applicant, his previous involvements and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Accordingly, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH
(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Digitally signed
by VIDYA
PRAKASH
Date: 2020.10.07
18:02:03 +0530

Bail Application No. 1209/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Shakuntala Devi w/o Bhram Prakash

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:02:32 +0530

Contd....2/

Bail Application No. 1209/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Shakuntala Devi w/o Bhram Prakash

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

VIDYA PRAKASH
Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:02:38 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1206/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Shekhar Kumar s/o Bhram Prakash

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Brij Mohan is present.
Complainant with Sh. Bimlesh Kumar, Advocate.
Sh. Bhaskar Upadhyaya, Advocate for applicant/
accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

IO has mentioned in the additional reply filed today and has also verbally informed the Court during hearing that the applicant has duly joined the investigation in this case.

Counsel for complainant states at Bar that copies of relevant documents have not been supplied to him from the side of applicant / accused in terms of last order despite the fact that he had provided his e-mail address and mobile number to counsel of applicant / accused.

Counsel of applicant / accused assures to supply the said documents in terms of previous order to counsel of complainant by tomorrow. Let the same be done positively by tomorrow.

It is jointly submitted on behalf of complainant and applicant / accused that they wish to explore the possibility of settlement in this case, it being mainly the matrimonial dispute between the parties. On their joint request, the parties are referred to Mediation Center, Tis Hazari Courts, Delhi for 14.10.2020 for exploring the possibility of settlement, if any, between them. Counsels of both the sides are directed to submit their respective e-mail addresses and mobile phone numbers at the dedicated e-mail of this Court today itself, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:03:02 +0530

Contd....2/

Bail Application No. 1206/2020
FIR No.: 221/2020
PS : Paharganj
U/s : 498-A/406/354/34 IPC
State Vs Shekhar Kumar s/o Bhram Prakash

-2-

Interim order, if any, to continue till the next date of hearing subject to applicant joining the investigation as and when so required. Copy of this order be given dasti to both the sides electronically.

Put up on 02.11.2020 for awaiting outcome of proceedings of Mediation Center / compromise, if any or in alternative, for arguments on the bail application.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:03:10 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1463/2020
FIR No.: 170/2020
PS : Nabi Karim
U/s : 392/397/34 IPC
State Vs Sourabh @ Hemant

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Concerned IO is not present.
Complainant with Ms. Babita, Advocate. (Vakalatnama filed)
Ms. Kusum Gupta, Advocate for applicant / accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Concerned IO / SHO has not joined the hearing through Video Conferencing today.

Ld. Addl PP submits that without assistance of IO / SHO, he is not in a position to advance the arguments on behalf of State today.

In view of the aforesaid facts and circumstances, let the aforesaid conduct on the part of concerned IO and SHO of PS Nabi Karim be brought to the notice of concerned DCP, Central District for taking appropriate departmental action against them and to submit Action Taken Report before the Court on or before next date of hearing. He is further directed to ensure that the concerned IO joins the hearing through V/C positively on the next date. **Copy of this order be also sent to concerned DCP for information and necessary compliance.**

Put up on 12.10.2020 for report on Action Taken Report of DCP and for arguments on the bail application.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:03:37 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1364/2020
FIR No.: 130/2020
PS : Nabi Karim
U/s : 33/58 Delhi Excise Act
State Vs Udai Bhan

07.10.2020

This is an application u/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SHO PS Nabi Karim along with IO/ HC Sanjeev Kumar.
Sh. Sunil Tiwari, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

During the course of arguments, Ld. Addl. PP on instructions of concerned IO / SHO, has informed the Court that this applicant has already joined the investigation in terms of the previous order passed by the Court.

The present applicant is the father in law of accused Vikas who was allegedly found in possession of illicit liquor in this case. It is submitted by SHO PS Nabi Karim that this applicant was asked to join the investigation as the scooty used by accused Vikas for carrying illicit liquor, was belonging to him. However, SHO has submitted before the Court that as per their investigation, this applicant is not wanted as an accused in this case.

In view of the aforesaid submissions made by SHO PS Nabi Karim, counsel of applicant accused does not press the present bail application. On his request, the present bail application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.07
18:04:14 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020

Bail Application No. 1459/2020
FIR No.: 195/2020
PS : Kashmere Gate
U/s: 147/148/149/307/427/440/452 IPC r/w/sec.25/27/54/59 Arms Act
State Vs Yograj Sonkar

07.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Satender Singh is present.
Sh. Deepak Ghai, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Reply perused.

After addressing the arguments, counsel of applicant / accused seeks permission to withdraw the present bail application, with liberty to file fresh bail application before appropriate forum at appropriate stage.

In view of the facts and circumstances of the case and the aforesaid submission made by counsel of applicant / accused, the present bail application is dismissed as withdrawn, with liberty as prayed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed by
VIDYA PRAKASH
Date: 2020.10.07
18:04:33 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
07.10.2020