

**FIR No. 42/2019
PS Crime Branch
State v. Mehnaz @ Baazi
U/s 21/25/61/85 NDPS Act**

05.12.2020

Fresh application received. Be registered.

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

None for accused-applicant.

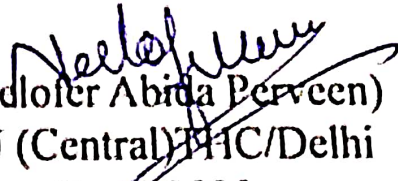
Hearing is conducted through video conferencing.

This is an application on behalf of accused-applicant Mehnaz @ Baazi in case FIR No.42/2019 for modification of order dated 27.09.2019 and for waiving of condition of appearing before the police after every 15 days.

None has joined the Webex hearing on behalf of the accused-applicant.

Reply be filed in respect of the averments made in the application.

For consideration, put up on 14.12.2020.


(Nedlofer Abida Perveen)
ASJ (Central) TIC/Delhi
05.12.2020

FIR No. 54/2017
PS: Kotwali
State Vs. Mohd. Rizwan
U/s 397/397/324/34 IPC

05.12.2020

Fresh application received. Be registered.

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

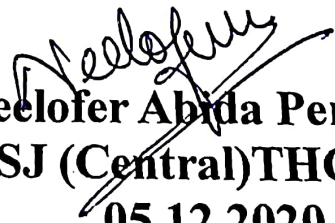
None for accused-applicant

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Mohd. Rizwan in case FIR No. 54/2017.

None has joined the Webex hearing on behalf of the accused-applicant. Reply is already filed. Copy of the same be forwarded to Ld. counsel for accused-applicant on his email ID.

In the interest of justice, for consideration, put up on **21.12.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

FIR No. 418/2020
PS: Civil Lines
State Vs. Sanjay Kumar
U/s 21/61/85 NDPS Act

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

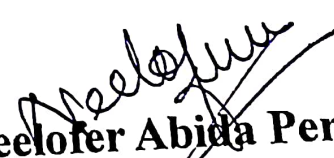
None for accused-applicant.

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused Sanjay in case FIR No. 418/2020.

Ld. counsel when contacted telephonically for Webex hearing, sought adjournment.

For consideration, put up on 22.12.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

FIR No.309/2019
PS: Crime Branch
State Vs. Ravinder Singh Sondhiya @ Ravi

05.12.2020


Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Vinod Charan, counsel for accused-applicant (through video conferencing.)

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Ravinder Singh Sondhiya @ Ravi in case FIR No. 309/2019.

Ld. Substitute Addl. PP submits that medical documents are verified and it is reported that accused-applicant has again been found infected with covid-19 virus and has been advised to be home quarantine for 17 days w.e.f 01.12.2020.

For consideration, put up on 19.12.2020. Interim bail is extended till the next date of hearing on the same terms and conditions.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

M. A. No. 34/2020
FIR No. 32/2019
PS: Crime Branch
State Vs. Sumit Arora
U/s 399/402/397/411/34 IPC

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

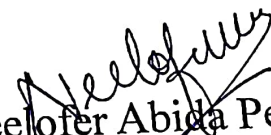
Sh. Mahesh Patel, counsel for accused-applicant (through video conferencing.)

Hearing conducted through Video Conferencing.

This is an application on behalf of accused-applicant Sumit Arora for release of vehicle on superdari in case FIR No. 32/2019

Reply is not filed in terms of the last order. Reply be filed on or before the next date of hearing.

For consideration, put up on **11.12.2020**.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

FIR No. 47/2019
PS Crime Branch
State v. Munish Gautam
U/s 20/25 NDPS Act

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

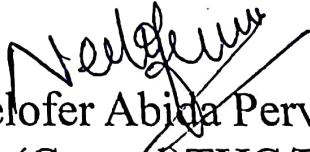
Sh. Sanjay Chauhan, Counsel for applicant-surety through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application on behalf of surety for release of RC in case FIR No.47/2019.

Office reports that applicant stood surety for the accused-applicant at the time of grant of interim bail.

Let surrender report in respect of the accused-¹⁹~~applicant~~ be called for the next date of hearing from the Jail Superintendent concerned.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

B.A. No. 2059
FIR No. 242/2020
PS Timarpur
State v. Amitabh Kumar
U/s 323/376 IPC

05.12.2020

Fresh application received. Be registered.

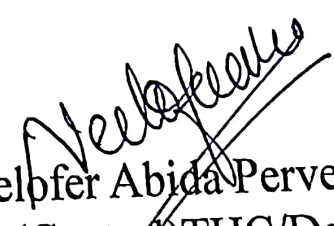
Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Sunil Kumar Jha, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C for grant of regular bail on behalf of accused-applicant Amitabh Kumar in case FIR No.242/2020.

Ld. counsel for accused-applicant submits that he does not wish to press upon the present bail application as another application on behalf the accused-applicant in the same FIR has also been filed through another Counsel, as the accused-applicant had signed two vakalatnamas and both the counsels filed separate application and that the present bail application may be dismissed as withdrawn. It is ordered accordingly. This application u/s 439 Cr.P.C for grant of regular bail on behalf of accused-applicant Amitabh Kumar in case FIR No.242/2020 is dismissed as withdrawn.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

B.A. No. 2058
FIR No. 242/2020
PS Timarpur
State v. Amitabh Kumar
U/s 323/376 IPC

05.12.2020

Fresh application received. Be registered.

Present: Sh. Gyan Prakash Roy, Substitute Adtl. PP for State (through video conferencing).

Sh. Deepak Singh, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

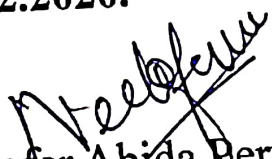
This is an application u/s 439 Cr.P.C for grant of regular bail on behalf of accused-applicant Amitabh Kumar in case FIR No.242/2020.

The FIR pertains to the commission of offence under Section 376 IPC, therefore, notice is required to be served upon the prosecutrix in the present application.

Issue notice in the application to the prosecutrix to appear through video conferencing through the IO on the next date of hearing.

Reply is filed. Ld. counsel for accused-applicant has received copy thereof.

For consideration, put up on 16.12.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

B.A. No. 3714
FIR No. 1056/2020
PS Sector 20, Noida
State v. Durgesh Rao
U/s 506/384/420/417/34 IPC

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Ajay Swami, Counsel for accused-applicant (through video conferencing)

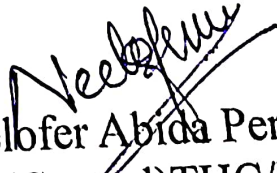
Sh. Anshuman, counsel for respondent no. 2- State of UP (through video conferencing)

Hearing is conducted through video conferencing.

This is an application u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Durgesh Rao in case FIR No. 1056/2020.

Ld. counsel for respondent no. 2 seeks at least one week's time to file reply submitting that record is quite voluminous.

For reply and consideration, put up on 14.12.2020. **Interim protection is extended till the next date of hearing.**


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

B. A. No. 1794
FIR No. 154/2020
PS: Burari
State Vs. Sudhir Prasad Gupta
U/s 304/34 IPC

05.12.2020

Present:

Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

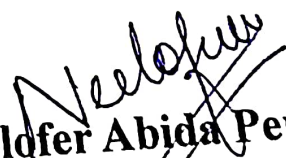
Sh. Sushil Srivastava, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is second application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Sudhir Prasad Gupta in case FIR No.154/2020.

Ld. Counsel for the accused-applicant submits that there are several documents which are required to be referred to and audio at his end is not of good quality and his voice is echoing and matter may be taken up on physical hearing date of the Court.

For arguments, put up on 19.12.2020 i.e. physical hearing date of the Court.


(Neelofur Abida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

B. A. No. 1746
FIR No. 490/2020
PS: Burari
State Vs. Lalit Kumar
U/s 336 IPC and 25 of Arms Act

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

None for accused-applicant

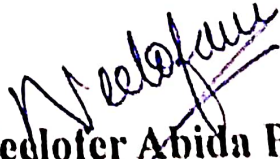
Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Lalit Kumar in case FIR No.490/2020.

Reply of IO is filed.

None has joined Webex hearing on behalf of accused-applicant. It emerges that none had joined on behalf of accused-applicant even on last two dates of hearings i.e. 07.11.2020 and 23.11.2020.

As per reply filed by the IO, custodial interrogation of the accused-applicant is required for investigation as recoveries are to be effected from the accused-applicant. As there has been no appearance on behalf of the applicant for the last several dates and even today, present application is dismissed in default.


(Nedlofer Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

FIR No. 179/2019

PS: Wazirabad

State Vs. Manish @ Dabbu

U/s 304B/468A/34 IPC

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Shamshul Haque, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Manish @ Dabbu in case FIR No. 179/2019.

Reply is filed.

Arguments heard. For orders, put up at 4 pm

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(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

05.12.2020

**At 4 pm
ORDER**

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Manish @ Dabbu in case FIR No. 179/2019 on the ground of surgery of the mother of the accused-applicant.

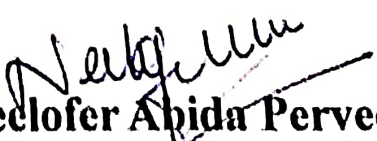
Ld. Counsel for accused-applicant submits that mother of the accused-applicant has been operated upon yesterday only and she is still admitted in hospital, is still unconscious and is unable to move. That extension of interim bail is being sought so that accused-applicant can take care of his mother.

Ld. Substitute Addl. PP submits that verification report has been filed by the IO and medical documents pertaining to the mother of the accused-

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applicant have been verified and the fact of hospitalization of the mother also stands verified.

It emerges that vide order dated 11.11.2020 accused-applicant was granted interim bail of 15 days for surgery of his mother and thereafter vide order dated 27.11.2020, interim bail of the accused-applicant was extended till today for the same purposes. Today it is submitted on behalf of the accused-applicant that the surgery is now performed yesterday only. I have gone through the certificate obtained from the Doctor concerned and the medical record already annexed. It emerges initially the proposed date given for surgery was 13.11.2020, however surgery could not be performed then as the Doctor who was to perform the surgery was on leave, thereafter the mother of the applicant visited the hospital on 21.11.2020, and was put on medication and the surgery was tentatively fixed for 28.11.2020, on 27.11.2020 she was again admitted in the hospital and was discharged on the next day. Now it is submitted that the surgery has been performed yesterday only and the patient is still unconscious and unable to move. The documents however are not filed in respect of the surgery. As the previous medical record stands verified, and as the medical record in respect of surgery that took place yesterday is not filed at this stage the interim bail is being extended till 18.11.2020 on the same terms and conditions, with the directions to file the medical record in respect of the surgery within two days with copy served upon the prosecution. IO to verify the factum of the surgery and obtain certificate from the doctor concerned as to for what length of period the further hospitalization is required post surgery. For Report and consideration, put up on 18.12.2020.


(Neclofer Abida Perveen)

ASJ (Central)THC/Delhi. 05.12.2020

B. A. No. 1423
FIR No. 58/2020
PS: Subzi Mandi
State Vs. Nilesh Devi Das & Ors.
U/s 406 IPC

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Kehsav Garg, Counsel for accused-applicant (through video conferencing)

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Nilesh Devi Das and Devidas Ghadge in case FIR No.58/2020.

Arguments heard. For orders, put up at 4pm.

(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

05.12.2020

At 4 pm
ORDER

This is an application for grant of anticipatory bail under Section 438 Cr.P.C on behalf of applicants / accused persons i.e. Nilesh Devi Das and Devidas Ghadge in case FIR No.58/2020.

Ld. Substitute Addl. PP for State submitted that the investigation is going on and IO has sought the custodial interrogation as IO for the purposes of investigation requires to obtain signatures of the accused-applicants. That as per reply of the IO, accused-applicants have

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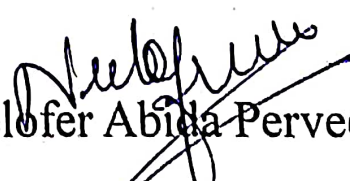
not cooperated in the investigation and have not given satisfactory replies to the queries put to them during interrogation.

Ld. counsel for the accused-applicant submitted that accused-applicant have already furnished their signatures to the IO yesterday in Tis Hazari Court.

I have gone through the reply filed by the IO, the accused-applicants are stated to have not returned the Gold Silver and cash amounts and not given satisfactory replies in as much as have not got the same recovered. Accused Nilesh Devi Das has admitted that note is written by him and it is also contended on his behalf that specimen handwriting has been obtain by the IO in the Court.

IO to file further report if the specimen writing has been obtain in Tis Hazari Court and to place on record copy of the note relied upon by the complainant on the next date of hearing.

For consideration put up on 18.12.2020. Interim is extended till then with the condition that the accused-applicants shall join the investigation as and when called upon to do so by the IO, and the IO shall furnish interrogatories to the accused-applicants on the aspects that require investigation and on which aspects the accused-applicants are alleged to have been evasive and file the interrogatories with the replies for the perusal of the Court.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

05.12.2020

FIR No. 232/20
PS Roop Nagar
State v. Toshinder Khari
B. A. No.2034

05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Atul Kumar Sharma, Counsel for accused-applicant through videoconferencing.

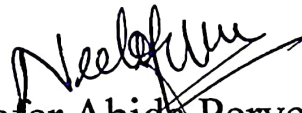
Sh. Himanshu, counsel for injured Sahil (through video conferencing)

Sh. Sharang Pawar, counsel for complainant-injured Bhaskar Bholra (through video conferencing.)

Hearing is conducted through videoconferencing.

This is an application for grant of bail on behalf of accused-applicant Toshinder Khari in case FIR No.232/20.

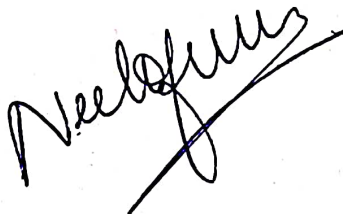
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
05.12.2020

At 4 pm
ORDER

This is an application for grant of bail on behalf of accused-applicant Toshinder Khari in case FIR No.232/20.

Ld. counsel for the accused-applicant submitted that as per



allegations raised in the FIR, incident took place involving four offenders and who are named in the FIR and accused-applicant is not implicated by name in the FIR. That out of four named offenders, three were released by the police on police bail and one of the offenders was not even arrested, however, accused-applicant whose name does not even figure in the FIR has been arrested and is in custody since 28.11.2020. That as per reply filed by the IO investigation is now complete and no recovery are to be effected in this case. That the offence under section 308 IPC is subsequently added and the injured based upon whose injury the offence under section 308 IPC is added has no objection to the release of the accused-applicant on bail. Ld. Counsel wishes to rely upon certain judicial pronouncements which are not forwarded on the email ID of the Court.

Ld. counsel for injured Sahil stated that he has no objection if the bail is granted to the accused.

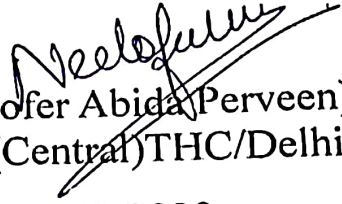
Ld. counsel for complainant-Bhaskar Bhola has also joined Webex hearing and submitted that complainant is being pressurized by brothers of the accused-applicant.

Ld. Substitute Addl. PP submitted that accused-applicant alongwith co-accused has subjected the complainant and one Sahil to beating with snooker stick without any plausible reason. That accused-applicant was arrested at the instance of complainant Bhaskar Bhola. On the query of the Court as to on what basis the offence under section 308 IPC is subsequently added Ld. APP submits it is on the basis of the MLC as the injury is on the head of injured Sahil.



Let the MLC on the basis of which offence under section 308 IPC is added be filed on the next date of hearing. IO to also verify and report in respect of the allegations that the complainant is being pressurized by the brothers of the accused-applicant. Ld. counsel for accused-applicant is at liberty to file judicial pronouncement that he seeks to rely upon.

For report and consideration put up on 16.12.2020


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi

05.12.2020

B. A. No. 3294
FIR No. 399/2020
PS: Wazirabad
State Vs. Pushpak Bharti


05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).

Sh. Dinesh Yadav, Counsel for accused-applicant through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Pushpak Bharti in case FIR No. 399/2020.

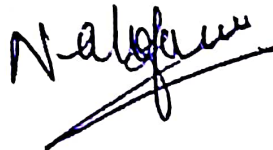
Arguments heard. For orders, put up at 4 pm.


(Neelofar Aqida Perveen)
ASJ (Central) THC/Delhi
05.12.2020

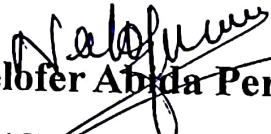
At 4 pm
ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Pushpak Bharti in case FIR No. 399/2020.

It emerges from the reply filed by the IO that the investigation is going on and that the accused is cooperating with the investigation. The custodial interrogation is not claimed and there is an enquiry made into a complaint of the prosecutrix that the accused is calling some common



friends claiming that he has been falsely implicated to extort money and that initially she did not disclose the name of the said person and subsequently when the identity was disclosed enquiries were made and it came to light that nothing demeaning against her had been said by the accused. Ld. Regular APP is on leave today, IO to file detailed reply if custodial interrogation of the accused is required for the purposes of investigation on the next date of hearing. The complainant has not joined the proceedings today. IO to also ensure that the prosecutrix joins the proceedings on the next date. For consideration put up on 23.12.2020. The accused shall continue to join investigation as and when called upon to do so by the IO and extend all manner of cooperation and subject to the same the interim protection is extended till the next date.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi

05.12.2020

B. A. No. 3263 (New B. A. No. 1734)

FIR No. 517/2020

PS: Wazirabad

State Vs. Jai Prakash @ Raj

U/s 376 IPC

05.12.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Jai Prakash @ Raj in case FIR No.517/2020.

Ld. counsel for the accused-applicant contended that the complainant is the widow of the deceased brother of the accused-applicant who got married to applicant's eldest brother on 4.2.2013 and that the applicant's eldest brother died on 23.5.2015. That after the death of complainant's husband, the complainant had been harassing her parents in-law in manifold ways regarding which they had been making complaints to the local police but no action was taken by the police on the complaints of the parents of the applicant. That the applicant lost his parents due to mental harassment caused by complainant in manifold ways, applicant's mother died on 29.12.2017 whereas father died on 5.1.2018. That during lifetime of applicant's father, the complainant filed application u/s 19 of Hindu Adoption & Maintenance Act, 1956 vide plaint dated 20.9.2016 for maintenance which was subsequently reportedly got withdrawn. Thereafter she filed a suit for partition vide plaint dated 6.4.2018 claiming partition of applicant's father's properties. That applicant and his brother are continuously since being harassed by applicant that applicant should marry her or else she would involve them in false case. That earlier the complainant was forcing applicant's elder brother Shiv Prakash to marry her but he refused and married in Arya Samaj Mandir on 30.5.2016 and

N. Raju

thereafter got married with rituals on 8.12.2016. That again the complainant repeated the same thing with applicant who is 13 years younger than applicant. The applicant also got married in Arya Samaj Mandir on 8.10.2020 and ritual marriage is fixed for 1.12.2020 regarding which huge advance amount is also paid to Shiv Milan Band, Sweet Meat Shop and Booking of Chaupal. That the present FIR is got registered on absolutely false and concocted allegations in order to gain leverage in the partition suit and in order to put pressure on the applicant to marry her so that she has a larger share in the property left behind by the parents of the applicant who died due to the mental and physical torture meted out by the complainant. That applicant-accused is falsely arrested on 22.10.2020 in the above matter and since then he is in judicial lock up. That prior to the making of the complaint the complainant served a legal notice upon the elder brother of the applicant and father in law and mother in law of the applicant contents of the same demonstrate the malicious intent of the complainant. That the applicant has deep roots in society and there is no likelihood of his absconding if released on bail. That the investigation is now complete and his custody is no longer required for the purposes of investigation. That the applicant has clean antecedents. Ld. counsel has relied upon decision in Krishan Kumar v. State of Haryana and another decided by Hon'ble High Court of Punjab and Haryana, Chandigarh on 06.12.2018.

Ld. Addl.PP for State submitted that the FIR was registered at PS Wazirabad on the complaint of Prosecutrix wherein she has alleged that she got married to Om Prakash (eldest brother of accused) in 2014 and that husband of prosecutrix passed away in 2015 and thereafter she had been living in the house of her in-laws. That accused is the youngest brother-in-law of prosecutrix, who after the death of his eldest brother Om Prakash forcefully established physical



relations with her Bhabhi (prosecutrix) in July 2018 and has been establishing physical relations with prosecutrix on the pretext of marriage till August 2020. That whenever prosecutrix opposed accused used to promise her of marrying her, when prosecutrix got to know that his marriage has been fixed with another girl, the complaint was made, upon which the present FIR was registered and accused was arrested on 22/10/2020. During interrogation accused disclosed that he has already got married on 08.10.2020 to a girl chosen by his family members in court. During the course of investigation statement U/s 164 Cr.P.C. of prosecutrix was got recorded wherein she has corroborated her earlier given version in the complaint. It has been also verified that a civil litigation is pending in Court which has been filed in Court seeking 1/5 th share of the property for her daughter after the death of her husband and father-in-law and mother-in-law and the matter is pending in the Civil Court from 2018 and that prosecutrix has served notice upon brother of accused Shiv Prakash @ Neeraj, Ram Niwas (Phoopha) and Kanta (Mother-in-law of accused Jai Praksh above) as an information about the sexual assault and subsequent promise of marriage made by accused Jai Prakash @ Raj @ Raja with her. Prosecutrix has further stated that she told about the above facts to her in-laws earlier so that the matter could be resolved within the family. However, she came to know that accused above has got his marriage fixed with some other girl. Later she found out that accused has already got married. That the offence is serious in nature. It is not disputed that the accused-applicant has clean antecedents.

The prosecutrix also appeared through counsel and has opposed the present bail application reiterating the allegations and about the delay submitted that she wanted the matter to be resolved within the family and that delay is no ground to doubt the allegations per se.



Heard.

It emerges from the contents of the FIR that the prosecutrix got married as per Hindu rites and rituals to the eldest brother of the accused on 4.2.2013, and was blessed with a daughter on 1.11.2013, and her husband unfortunately passed away on 23.5.2014. Thereafter it is in the year 2018 that the accused is alleged to have become attracted to her and to have made advances which were repelled by her, and it is in the month of June 2019 that the accused is alleged to have sexually assaulted her for the first time finding her alone in the house. Incidentally it is in the year 2018, that the complainant had initiated civil litigation against the accused by way of a suit for partition dated 6.4.2018. The accused is from after the first incident in the month of June 2019 is further alleged to have sexually assaulted her 4-5 times till December 2019. The allegations in themselves are left absolutely vague bereft of bare minimum specifics as regards date time and place and what is left unanswered is that when the parties were already embroiled in a civil litigation why did the complainant not come out in the open against the sexual assault on her by the youngest brother of her deceased husband immediately thereafter. The complainant previously had filed a suit for maintenance against her father in law in September 2016, it is confounding that the complainant fighting tooth and nail for her civil rights would not be prompted to take to legal recourse at such heinous a crime against her. During their lifetime the parents of the accused had themselves filed several complaints against the complainant in the year 2016 and 2017 apprehending threat to their life and liberty at the hands of the complainant, the elder brother of the accused and his wife had also made complaints against the complainant in the year 2018 itself. In the month of August 2020 the accused is alleged to have established physical relations with




her on the pretext of marriage, though the earlier instances are not borne of any such promise to marry. The present FIR is got registered on 22.10.2020, after serving a legal notice on the brother, uncle and mother in law of the accused, when she came to know that the accused has got married. The complainant adopted rather an unorthodox approach by first getting a legal notice served for commission of such a heinous offence and thereafter filing a complaint with a delay of over 15 months from the month of the first incident of forced sexual assault. Taking into consideration the inordinate and in the circumstances of the present case unexplained delay in registration of the FIR as the parties were already embroiled in civil litigation and there had been several complaints filed against the complainant by all the family members, and also as the allegations are in themselves vague devoid of any particulars of date and place, without in any manner commenting on the merits of the case, and also taking into consideration that the custody of the accused is not claimed any further for the purposes of investigation, the present application is allowed and accused Jai Prakash is granted regular bail in case FIR no. 517/2020, upon furnishing personal bond with one surety in the sum of Rs. 50,000/- to the satisfaction of the Ld. Trial Court/Duty MM and subject to the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bonds without prior intimation to the IO. He shall also keep the said mobile, phone number switched on mode at all times with location activated and shared with the IO. Surety shall also intimate in the event of change in address and mobile phone number to be



mentioned in the respective bonds.

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

05.12.2020

B.A. No. 2060
FIR No. 513/2020
PS Civil Lines
State v. Dabloo
U/s 452/511/323/506/509/34 IPC

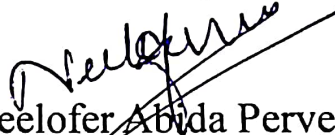
05.12.2020

Present: Sh. Gyan Prakash Roy, Substitute Addl. PP for State (through video conferencing).
Sh. Randhir Kumar Singh, Counsel for accused-applicant (through video conferencing)
Sh. Ram Chander Verma, Complainant through video conferencing.

Hearing is conducted through video conferencing.

This is an application u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Dabloo in case FIR No.513/2020.

Arguments heard. For orders, put up at 4 pm.

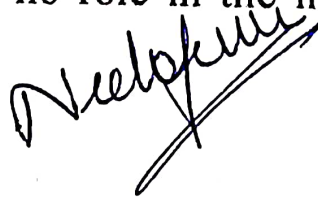

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

05.12.2020

At 4 pm
ORDER

This is an application u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Dabloo in case FIR No.513/2020.

Ld. counsel for the accused-applicant contended that the complainant filed a complaint against four persons namely Akil, Saif Khan, Rizwan and the present applicant, which resulted into an FIR vide No.513/2020. That the present applicant has no role in the incident and that he was a mere



bystander and that all the allegations are against a person wearing white T-shirt and the amazon delivery boys and he is neither one of the delivery boys nor the person in the white T-shirt and the complaint against accused-applicant is made falsely and maliciously. That all the accused persons have already been granted bail, and that the accused-applicant has clean antecedents with deep roots in society.

The Complainant also joined the webex hearing and brought to the notice of the Court that the accused-applicant was previously involved in another criminal case but was acquitted in the same as the eye witnesses failed to identify him.

Ld. Substitute Addl. PP submits that accused-applicant is not cooperating with the investigation and evading his arrest though no proceedings have been initiated in terms of section 82 Cr.PC, and he has no instructions if NBW's were sought against the accused-applicant. That accused-applicant has played active role in the commission of the offence and his custodial interrogation is required for the purposes of investigation.

Heard.


I have gone through the contents of the FIR which is registered on a written complaint on 21.11.2020, in respect of an incident that took place on 11.11.2020. Two delivery boys of Amazon entered into an altercation with the son of the complainant and tried to snatch away his phone when he went to take delivery of an article booked by him upon which his son returned home without taking the delivery. The complainant then went to enquire into the matter and saw four persons coming towards his house who abused him, threatened him and threw stones in the direction of the son of the complainant.

While narrating the incident, the complainant has not taken the names

Neel Kumar

of the offenders but in the later portion of the written complaint the identity of the offenders is disclosed and names are named. There is unexplained delay in the lodging of the FIR and it is not borne out as to how the complainant became aware of the names of the culprits, none of the offenders entered the premises of the complainant, there is no injury inflicted on anyone. The reply filed by the IO is extremely cryptic, what is the role attributed to the accused-applicant is also not revealed.

Taking into consideration, the delay in the registration of the FIR and as the name of the accused-applicant is introduced by the complainant in the written complaint without assigning specific role and also taking into account the nature of the accusations and as there are no recoveries to be effected in this case, at this stage interim protection is being granted to the accused-applicant with directions to join investigation in the present case FIR on 9.12.2020, 11.12.2020, 15.12.2020, 18.12.2020 and as and when called upon to do so by the IO. For report and consideration put up on 20.12.2020.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

05.12.2020