

FIR No. 194/2020

PS: Subzi Mandi

State Vs. Mujaffar Hussain etc.

U/s 20/25/29 NDPS Act

01.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State with SI Parveen Kumar.

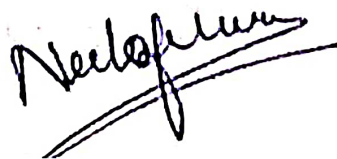
This is an application moved by SI Parveen, duly forwarded by Ld. Addl. PP, for issuance of NBWs against accused Mujaffar Hussain, Ebene Ali Miya and Pankaj Barman.

It is submitted that on 02.07.2020, ASI Devender was informed by two persons namely Raj Kumar, owner of the tempo traveller bearing no. DL 1VC 2168 and Rampal Yadav his driver that Vinod has requested that he has to send some passengers to West Bengal from Noida upon which he had given his said Tempo Traveller with driver on hire to him and when Rampal returned from the trip he informed Raj Kumar that Vinod had not taken any passenger from Noida to West Bengal but he has transported some suspicious articles in the vehicle while returning from West Bengal and that the vehicle is parked near Queen Merry School, with the suspicious articles. Acting on such information, the concerned ASI went to the place where the vehicle was stated to be parked, and found Vinod sitting inside the vehicle and the search of the vehicle led to recovery of Ganja from the back side seat of the vehicle weighing in total 51 Kgs of Ganja contained in three plastic katas weighing 17 kgs each. Samples were taken and case property was seized. During investigation, accused Vinod, and Kashmiri were arrested, both of whom had taken

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accused Vinod, and Kashmiri were arrested, both of whom had taken vehicle of Raj Kumar after misleading him and they disclosed that the source of Ganja was one Mujaffar Hussain whom they used contact on mobile phone. Upon analysis of CDR details of CAF of the mobile to which several calls have been made by apprehended accused was obtained which was found in the name of accused Mujaffar Hussain, who is alleged to be the source of the contraband. On asking of Mujaffar Hussain money had been transferred in the account of Ebene Ali Miya and Pankaj Barman. In pursuance to the disclosures made by the arrested accused raids were conducted to arrest Mujaffar Hussain, Ebene Ali Miya and Pankaj Barman but they were not found present at their known addresses and efforts were made to arrest them but they are avoiding the process of law and are evading arrest deliberately.

Taking into consideration that Mujaffar Hussain, Ebene Ali and Pankaj Barman are the alleged source and recipients of amounts as payment for the contraband that is seized on 02.07.2020 and are alleged to be involved in trafficking of Ganja from West Bengal on the basis of the investigation conducted till date, and despite efforts could not be arrested from their known addresses, the application is allowed and it is ordered that NBWs be issued against (i) accused Mujaffar Hussain S/o Nur Hussain R/o village Haribanga, PS Kotwali, Cooch Bihar, West Bengal, (ii) accused Ebene Ali Miya S/o Abed Ali Miya R/o Village Haribanga, PS Kotwali, Cooch Bihar, West Bengal and (iii) Panjak Barman S/o Praneswar Barman R/o Village Singmari, PO Nutan



Bosh, PS Sittai, Cooch Bihar, West Bengal as they are evading their arrest for their production on 17.10.2020.

For report/production, put up on **17.10.2020**.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.10.2020

B. A. No. 907/2020
FIR No. 287/2020
PS: Wazirabad
State Vs. Faisal @ Umar Chaudhary
U/s 376/506 IPC

03.10.2020

ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Faisal @ Umar Chaudhary in case FIR No. 287/2020.

Ld. Counsel for the accused-applicant submits that the accused-applicant is falsely implicated in the present case at the behest of the complainant acting in collusion and connivance with her husband out of malice and to extort money from the accused-applicant. That the accused-applicant has business relations with the husband of the complainant who has taken a sum of Rs. 1 lac from the accused-applicant on 05.09.2017 through NEFT with the promise to return the same within a short period, however, he did not repay the same and continued to make false excuses. That there were consensual physical relations between the complainant and the applicant accused as the complainant has allured / induced him in her love net/honey trap and was maintaining physical relations with the accused-applicant for the last over three years out of her own volition and had extorted huge amount of money from the accused-applicant. That the accused-applicant was facing financial crisis in the pandemic and was putting pressure on the complainant's husband for the

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return of the amount borrowed by the husband of the complainant from the accused-applicant and instead of returning the borrowed money, the husband of the complainant in collusion and with the connivance of the complainant on 26.07.2020 through whatsapp chats and phone call induced the applicant-accused to visit her at her residence and establish physical relations with her and on such allurements, the applicant had visited the complainant's house on 27.07.2020 and the complainant had made consensual physical relations with the accused-applicant and thereafter threatened the accused-applicant either to pay her Rs.50 lacs or else she would implicate applicant in false rape case and thereafter in pursuance to the well thought out and executed conspiracy, she made the PCR call and got registered the present FIR against the accused-applicant on false baseless and concocted allegations. That the falsity of the allegations is obvious and is very much evident from the whatsapp chat and the phone conversations recording of which was extracted in the course of the investigation after seizure of the mobile phone of the accused-applicant and transcript of which has been produced by the IO in the course of arguments, and today also for the perusal of the Court. That the lewd, intimate and vulgar whatsapp messages sent by the complainant are filed alongwith the present application and the attention of the Court is invited to pages 19 to 26 of the paperbook and it is submitted that the content of the messages being too prurient is not capable of being read aloud in the Court. That from the transcript of the mobile phone conversation produced before the Court, it is evident that it is the complainant who is literally

Neelofar

forcing the accused-applicant to visit her to and have sex with her and it is the accused-applicant who is resisting stating that he is suffering from cold which may be covid-19 infection and the complainant has also threatened that he should come from the back door and not the front door otherwise she will have to implicate him in a rape case. That the accused-applicant was granted interim protection vide the order dated 07.08.2020 and has fully cooperated and diligently joined the investigation as and when called by the IO. That the husband of the complainant has not joined in the investigation till date. That the accused-applicant has provided all the material including passbooks, mobile phone, call recordings and information at his disposal to the IO. That the investigation is now complete and there is no ground for any custodial interrogation required at this stage of the accused-applicant.

Ld. Counsel for the complainant alongwith complainant submits that it is not denied that there were relations between the complainant and the accused-applicant for the last some years, however, the particular incident in question has been truthfully narrated by the complainant, the accused-applicant without her consent had raped the complainant. On a query of the Court, Ld. Counsel for the complainant submitted that the voice in the audio recording has been admitted by the complainant and the conversations were also admitted. It is not denied that complainant several times made phone calls to the accused-applicant on the date of occurrence but it is false and salacious to suggest that the complainant had invited the accused-applicant to come to her residence



and commit rape upon her. That the minor daughter of the complainant has also been joined in the investigation. That the husband of the complainant has also joined in the investigation. That there no money remains to be paid by the husband of the complainant to the accused-applicant. There were only meager amounts outstanding and it is ludicrous to suggest that for such paltry sum husband of the complainant with complainant would collude and connive to falsely implicate the accused-applicant and for the commission of such grave a crime that maligns the chastity of the wife.

Ld. Addl. PP alongwith the IO submits that the investigation is now complete and that the interim protection was granted to the accused-applicant and that the accused-applicant has cooperated in the investigation and joined investigation as and when called upon to do so and that the chargesheet is under scrutiny and is likely to be presented in Court within a day or two. That the IO does not require the custodial interrogation of the accused. That the prosecutrix in her initial statement did not disclose about her relations with the accused-applicant. That CDR details revealed multiple calls on daily basis exchanged interse the complainant and the accused-applicant. That the mobile phone of the accused-applicant with the audio recording, transcript of which, is part of the chargesheet has been submitted to FSL for verification as the exact time of the conversation could not be deciphered and can be determined upon FSL examination. That the complainant has not denied the conversations and has admitted that the voice in the audio recording belongs to her. That the husband of the complainant had initially joined investigation and was called upon to

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give details of the transactions but subsequently did not produce the record called for and telephonically informed that he is not in Delhi.

Heard.

Present case FIR is registered on 28.07.2020 in respect of incident that occurred on 27.07.2020. The complainant in her statement revealed that accused-applicant is a friend of her husband and therefore known to her and is a frequent visitor to their house and on 27.07.2020 at around 5 pm in the evening he came at the gate of her house and asked for water at which she called him inside and when he found her alone in the house, he started misbehaving with her, and when she tried to call her husband, he snatched away her mobile phone. That he locked her children in the room and took her to another room and committed rape on her and also gave her beatings and when she tried to scream, then he threatened to kill her children and that he was in a drunken state. The PCR call in respect of the incident is received at 7 pm in the evening vide DD No. 73A PS Wazirabad. MLC of the complainant was conducted and exhibits were sent for FSL examination. There were no external injury marks observed as per the MLC. The complainant reiterated the allegations in her statement under Section 164 CrPC.

The accused-applicant applied for anticipatory bail on 06.08.2020 and was granted interim protection on 07.08.2020 with directions to join investigation. The IO was directed to verify about whatsapp chats which was filed by the accused-applicant alongwith the application and the IO seized the mobile phones of the complainant and accused-applicant and

A handwritten signature in blue ink, appearing to be 'Nehal Kumar', with a long horizontal stroke extending to the right.

send the same to FSL Rohini. The complainant stated that it is her cousin who had sent the whatsapp messages, who is a friend of accused-applicant. The said cousin was joined in the investigation, who admitted to have sent the whatsapp messages. The accused also produced voice recordings in the course of investigation and when the same were played before the complainant, it is then that the complainant admitted that she was having an affair with the accused-applicant in the year 2018 and on several occasions during this period there were physical relations established between them. However, thereafter she distanced herself as she was not interested to continue with the extra marital affair and it is for this reason that accused-applicant on the date of incident forced himself upon her and raped her. When the CDR was obtained, it came to light that there were several calls made by the complainant to the accused on the date of occurrence prior to the time of the occurrence, not very far apart. The investigation was also carried out in respect of the business transactions between the husband of the complainant and the accused-applicant which showed several amounts transferred from the bank account of accused-applicant to the bank account of Areeba Trading Co. belonging to the husband of the complainant.

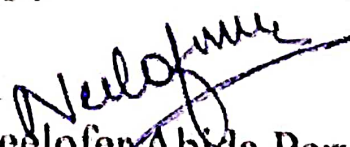
I have gone through the transcripts placed on the record of the voice recording which the complainant in the course of investigation had admitted to be in her voice that pertain to the date of incident, prior to the incident and overall impression capable of being derived from the conversations between the complainant and the accused-applicant is along

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the lines that it is the complainant who had repeatedly asked the accused-applicant to come to her residence on that date. Investigation is now complete and chargesheet is in the process of being filed without arrest as the IO in her reply stated that the custodial interrogation of the accused is not required in this case as the accused joined the investigation and has cooperate din the investigation.

It is only when the complainant is confronted with the voice recordings, that she had disclosed that she had extra marital affair with the accused-applicant though in the year 2018. The complainant, at the outset, had not disclosed about the intimate relationship she had with the accused-applicant prior to the date of the incident. Moreover as per the CDR all the calls exchanged between the accused-applicant and the complainant on the date of incident and only sometime before the occurrence are all outgoing calls originating from the mobile phone number of the complainant. In such facts and circumstances, and also taking into consideration that the investigation is now complete and chargesheet is in the process of being submitted and it is stated in the reply of the state that the custodial interrogation of the accused-applicant is not required, the present application for grant of anticipatory bail filed on behalf of accused Faisal @ Umar Chaudhary is allowed and it is directed that in the event of his arrest in the present case FIR, he be released on bail upon furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the IO.

The application stands disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

B. A. No. 1055/2020
FIR No. 325/2020
PS: Wazirabad
State Vs. Danish Khan @ Sahil
U/s 376/354D/506 IPC

03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

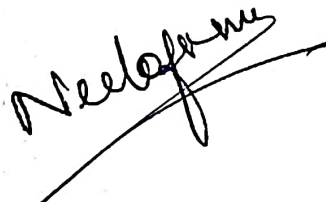
Sh. Pradeep Teotia, Ld.Counsel for accused-applicant (through video conferencing)

Sh. Manoj Gupta, counsel for complainant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Danish Khan @ Sahil in case FIR No. 325/2020.

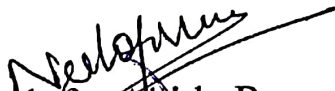
Ld. counsel for accused-applicant has drawn the attention of the Court to order dated 21.09.2020 whereby the present application for grant of anticipatory bail has been ordered to be put up before the designated Court under ST & SC Act as in the course of investigation offences under Section 3 (2) (v) ST & SC Act are reported to have been added. Ld. counsel for accused-applicant submits that this present application is pending for long time almost a month now and he had no hearing. In pursuance of the last order, the application ought to have been put up before the designated Court. The Court of the undersigned is not a



designated Court.

In view thereof, application be put up before Ld. District & Sessions Judge (HQ), Delhi on **05.03.2020 at 2 pm** for appropriate orders.

Counsel for applicant-accused to appear before Ld. District & Sessions Judge (HQ), Delhi on 05.03.2020 at 2 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

B. A. No. 1395/2020
FIR No. 57/2020
PS: Maurice Nagar
State Vs. Tushar
U/s 279/337/304/304A IPC
03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Sanjeev Sehgal, Counsel for accused-applicant (through video conferencing)

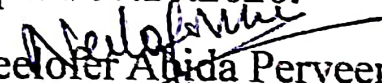
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Tushar in case FIR No.57/2020.

Ld. counsel for accused-applicant submits that there is no intention knowledge of any kind in this case and it is only a motor vehicular accident in course whereof the accused-applicant has also suffered life threatening injuries and is still under hospitalization and on the basis of medical record family of the accused-applicant has also obtained second opinion from a medical practitioner, to the effect that accused-applicant may remain restricted to bed for next 8 years of his life.

Ld. APP submits that the medical record has been verified but no such certificate could be verified and that he requires further instructions from the IO as to on what basis section 304 IPC has been added.

For further arguments, put up on **07.10.2020**.


(Neelofar Ahida Perveen)
ASJ (Central) THC/Delhi
03.10.2020

B. A. No. 1396/2020
e-FIR No. 23545/2020
PS: Wazirabad
State Vs. Mohd. Salim
U/s 379 IPC

03.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Yogesh Chhabra, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Mohd. Salim in case e-FIR No.23545/2020.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Mohd. Salim in case e-FIR No. 23545/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant is in JC since 19.09.2020 in connection with the present

case. That nothing incriminating has been recovered from the possession of the accused-applicant. That accused-applicant has recently started working as a mechanic at a mechanics shop and was asked by his employer to dismantle the motorcycle and at his instance was in the process of dismantling the motorcycle, which is alleged to have been stolen with no knowledge whatsoever of any such incident in respect thereof. That this mechanics shop was very near to the residence of the owner of the vehicle. That the vehicle is not alleged to be dismantled in the dark of the night or in some secluded place clandestinely but in the open in broad day light. That accused-applicant is innocent and has nothing to do with the alleged offence. That investigation is complete and recovery is already effected. That accused-applicant has clean antecedents and is not a previous convict. That accused-applicant is the sole bread earner for his family.

Ld. Add. PP submits that investigation is complete and recovery of stolen motorcycle is completed and that accused-applicant, as per report of the IO, does not have previous involvement. That the place where the motorcycle was being recovered while in the process of being dismantled is very near to the residence of the complainant and it was in the daytime along the roadside in the open.

Heard.

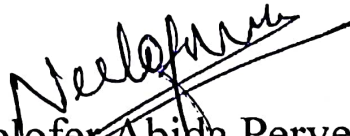
The present E-FIR is registered on 18.09.2020 on the statement of complainant Pankaj Nirwal in respect of theft of his motorcycle make Bajaj Pulsar No. BH01BL6833. During investigation,

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on a secret information received by ASI Arun Singh the motorcycle was recovered while the accused applicant with the co-accused was in the process of dismantling the same. It appeals to the Court at this stage that it has gone undisputed that the vehicle was not being dismantled clandestinely but in broad daylight in a public place, which place as per the Ld. Counsel for the accused-applicant is a small roadside motorcycle workshop where the accused-applicant was recently employed as a mechanic and was dismantling the said motorcycle on the instructions of his employer. These facts noted in the later part have essentially to remain matter of Trial however it is pertinent that from the investigation till date accused-applicant is only being alleged to have been found in possession of a stolen motorcycle and is not alleged to have participated in the theft of the same as such. In such facts and circumstances and also taking into consideration that no previous involvement is alleged against the accused-applicant, the present application for grant of regular bail on behalf of accused Mohd. Salim in case e-FIR No. 23545/2020 is allowed and accused-applicant is ordered to be released on regular bail upon his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the Ld. Trial Court/ Duty MM, and subject to the conditions that he shall mention the mobile phone number to be used by him on the bond which number shall be kept on switched on mode at all time with location activate and shared with the IO and he shall not change the said mobile phone number without prior intimation to the IO, any change in address shall also be intimated before hand to the IO,

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that he shall scrupulously appear before the Ld. Trial Court on each and ever date of hearing and shall not indulge in criminal activities, shall not intimidate, threaten or influence witnesses or interfere with the trial, or tamper with the evidence, or misuse the concession in any manner whatsoever, and shall not leave the territorial limits of NCR Delhi without prior permission of the IO. The surety shall also mention his mobile phone number and shall intimate any change in address or mobile phone number to the IO immediately.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi
03.10.2020

FIR No. 100/2013
PS: Lahori Gate
State Vs. Rishi Gupta
U/s 302 IPC
03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Mandeep Kumar Sharma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for extension of interim bail moved on behalf of accused Rishi Gupta in case FIR No.100/2013.

Reply is filed by the IO. Copy is forwarded to Ld. counsel for accused-applicant. As per the verification report filed by the IO, the OPD Card annexed with the application is reported to be forged and fabricated as certified by the doctor concerned from Safdarjung Hospital.

Ld. Counsel for the accused-applicant disputes the certificate and submits that the mother of the accused-appliant is still hospitalized under treatment at Safdarjung Hospital and that as and when she ahs to be examined by a special department, then the examination is as OPD Patient on OPD Card. Ld. counsel for accused-applicant seeks a pass over to connect accused-applicant alongwith his mother through Webex meeting.

Put up at 12.15 pm


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi
03.10.2020

At 12.15 pm

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Mandeep Kumar Sharma, Counsel for accused-applicant (through video conferencing)

Accused-applicant Rishi Gupta on interim bail (through video conferencing)

Hearing is conducted through video conferencing.

Accused-applicant Rishi Gupta is connected through video conferencing through Webex meet and he has shown through video that his mother is lying admitted in Safdurjung Hospital in Medicine Department, H-Block in Ward No. 11. Accused-applicant submits that he is not sure about the bed number of his mother but it might be 07.


Let this fact be physically verified by the IO from the hospital and IO to obtained detailed report regarding admission/discharge and OPD treatment of mother of accused-applicant from hospital from the concerned doctor as well as from the Medical Superintendent.

Ld. counsel for the accused-applicant submits that the report of brother of accused-applicant has been received and he is found to be covid-19 positive. Ld. counsel submits that he has also forwarded the report on the email ID of the Court. Ld. Addl. PP disputes the Report.

Let the report of brother of the accused-applicant regarding covid-19 be also got verified by the IO.

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For report and consideration, put up on 08.10.2020. Interim bail of the accused-applicant is extended till the next date of hearing.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

FIR No. 327/2019
PS: Crime Branch
State Vs. Mohar Singh
U/s 21/29 NDPS Act

03.10.2020

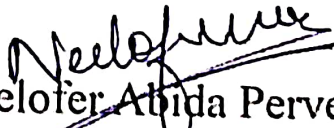
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Vinod Kumar Verma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused Mohar Singh in case FIR No. 327/2019.

Report in respect of medical health condition of the accused-applicant not received from Superintendent Jail. Previous order be complied with.

For report and consideration, put up on **12.10.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
03.10.2020

FIR No. 243/2018
PS: Nabi Karim
State Vs. Akash Gautam
U/s 302/34 IPC

03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused Akash Gautam in case FIR No.243/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

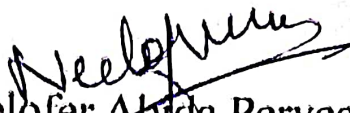
Ld. counsel for the accused-applicant submits that accused-applicant fulfills the criteria laid down under the guidelines issued by High Powered Committee of the Hon'ble High Court of Delhi dated 18.5.2020, as he is in custody in connection with the present case for the last over two years and has clean antecedents.

Ld. Addl. PP, on the other hand, submits that accused-applicant does not fulfill the criteria as accused-applicant does not have clean antecedents and is involved in several criminal cases of murder, snatching, theft, etc. Further as per conduct report, accused-applicant has been awarded punishment three times i.e. on 18.09.2018 and 06.05.2019 for possession of prohibited article i.e. lighter and sharp metal piece respectively in Court lockup and on 07.05.2019 for quarrelling with other inmates in Court lockup.

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Heard.

Though the present case FIR pertains to the commission of offence under section 302 IPC and the accused-appellant has undergone over two years in custody in connection therewith however it emerges that the conduct of the accused-applicant, as per report of the Jail Superintendent during custody is not satisfactory and he has been awarded punishments on three occasions while in custody for possession of objectionable articles including lighter and sharp piece of metal and had also entered into a fight with the other UTP;S in the Lockup. Moreover the accused-applicant on previous occasion has been convicted and sentenced to period undergone and is involved besides the present case FIR in other criminal cases also. Accused-applicant therefore does not live up to the criteria laid down under guidelines dated 18.5.2020 issued by the High Powered Committee of Hon'ble High Court of Delhi in order to decongest the prisons in Delhi due to out break of covid-19 pandemic. No other ground is raised for grant of interim bail except guidelines laid down by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. **The present application of accused Akash Gatuam in case FIR No. 243/2018 for grant of interim bail is therefore dismissed.**


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

03.10.2020

FIR No. 1360/2015

PS: Burari

State Vs. Jitender Bhati

U/s 302/364/120B IPC

03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

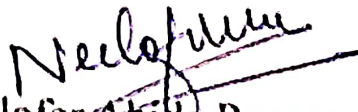
Sh. Hansraj, Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for cancellation of interim bail on behalf of the complainant in case FIR No. 1360/2015.

Ld. counsel for applicant seeks some time to address submissions on the maintainability of present application for cancellation of interim bail without forwarding by the prosecution.

For consideration, put up on **07.10.2020**, date fixed for physical hearing of the Court.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

FIR No. 194/2019
PS: Crime Branch
State Vs. Kashmiri Lal
U/s 20/25/29 NDPS Act

03.10.2020

Fresh application received. Be registered.

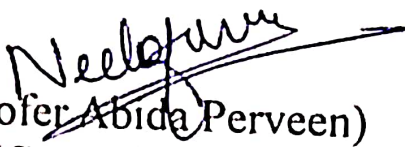
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused Kashmiri Lal in case FIR No.194/2019.

Arguments heard. For orders, put up at 4 pm


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused Kashmiri Lal in case FIR No.194/2019.

Ld. counsel for the accused-applicant contended that accused-applicant is in JC since 02.07.2020. That accused-applicant has been falsely implicated in the present case. That the interim bail is sought on the ground of marriage of daughter of the accused-applicant which is to be

solemnized on 10.12.2020 and presence of accused-applicant is required for making financial and other arrangements for the purpose of marriage. That accused-applicant being the sole bread earner has also to support his five minor children.

Ld. Addl. PP, on the other hand, submits that this is a case of recovery of 51 Kgs of Ganja, from the accused-applicant and that investigation is still at initial stages and chargesheet is yet to be filed and that three accomplices of the accused-applicant are still at large and NBWs have been got issued against them. That as per the own case of the accused-applicant the marriage of the daughter is scheduled in the month of December. That besides the accused-applicant all the brothers of the accused-applicant are living in the nearby vicinity and are capable of making the arrangements.

Heard.

The case of the prosecution is that on 02.07.2020, ASI Devender was informed by two persons namely Raj Kumar, owner of the tempo traveller bearing no. DL 1VC 2168 and Rampal Yadav his driver that Vinod has requested that he has to send some passengers to West Bengal from Noida upon which he had given his said Tempo Traveller with driver on hire to him and when Rampal returned from the trip he informed Raj Kumar that Vinod had not taken any passenger from Noida to West Bengal but he has transported some suspicious articles in the vehicle while returning from West Bengal and that the vehicle is parked near Queen Merry School, with the suspicious articles. Acting on such

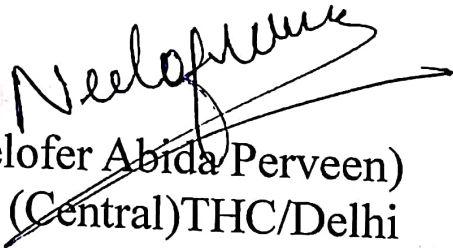
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information, the concerned ASI went to the place where the vehicle was stated to be parked, and found Vinod sitting inside the vehicle and the search of the vehicle led to recovery of Ganja from the back side seat of the vehicle weighing in total 51 Kgs of Ganja contained in three plastic katas weighing 17 kgs each. Samples were taken and case property was seized. During investigation, accused Vinod, and Kashmiri were arrested, both of whom had taken vehicle of Raj Kumar after misleading him and they disclosed that the source of Ganja was one Mujaffar Hussain whom they used contact on mobile phone. Upon analysis of CDR details of CAF of the mobile to which several calls have been made by apprehended accused was obtained which was found in the name of accused Mujaffar Hussain, who is alleged to be the source of the contraband. On asking of Mujaffar Hussain money had been transferred in the account of Ebene Ali Miya and Pankaj Barman. In pursuance to the disclosures made by the arrested accused raids were conducted to arrest Mujaffar Hussain, Ebene Ali Miya and Pankaj Barman but they were not found present at their known addresses and efforts were made to arrest them but they are avoiding the process of law and are evading arrest deliberately and NBWs have been issued against them.

The present case involves recovery of commercial quantity of contraband. The sole ground raised for grant of interim bail is the marriage of the daughter of the accused-applicant which is scheduled to be held in the month of December by the own submission of the accused-applicant. It is so far ahead in the future that there is no basis for the factum to be

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credibly verified. Further so far as the arrangements are concerned the brothers of the accused-applicant who live not far away from the residence of the accused-applicant are capable of handling all the arrangements necessary. Interim Bail is only to be granted in exceptional circumstances to meet cases of extraordinary exigencies and hardships where the personal presence of the accused would be absolutely indispensable, and where the case pertains to recovery of commercial quantities of contraband under the NDPS Act, the factors delineated under section 37 of the Act are also to be kept in mind. No such exigency is set up in the present case, investigation is going on and the co-accused are yet to be arrested. In such facts and circumstances no grounds are made out to grant interim bail to the accused-applicant. The application is accordingly dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
03.10.2020

FIR No. 244/2018
PS: Pahar Ganj
State Vs. Raj Kumar
U/s 302/307 IPC

03.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)


Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application on behalf of superdar Sonu Sharma seeking permission to transfer the vehicle bearing no. DL 1RQ 4062 in case FIR No.244/2018.

Arguments heard in part. Ld. Addl. PP submits that he has to go through the file to put forth his submissions.

For further arguments and consideration, put up on 13.10.2020, date fixed for physical hearing of the Court.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
03.10.2020