

B. A. No. 3337
FIR No. 315/2019
PS: Subzi Mantli
State Vs. Manish Kumar
U/s 406/498A/34 IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. H. N. Pandey, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Manish Kumar in case FIR No.315/2019.

Ld. counsel for the accused-applicant submits that the accused is innocent and has apprehension of his arrest by the police on the false complaint of the complainant. That applicant is ready to join the investigation as and when so directed.

Ld. Addl. PP submits that for the purpose of investigation at this stage, notice under Section 41 A CrPC has been served upon the accused-applicant to join the investigation and that for the purposes of the investigation it would suffice if at this stage the accused-applicant is called upon to join the investigation.

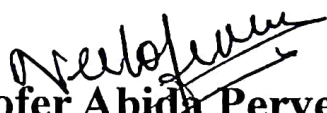
Heard,

Taking into consideration that the allegations pertain to commission of

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offences under section 498A/406 arising out of a matrimonial dispute and as at this stage the investigating agency has served notice in terms of section 41A not finding enough grounds for the immediate arrest of the accused-applicant and in order to advance the further progress of the investigation into the allegations levelled in the FIR in question against the accused-applicant, **interim protection is granted to the accused-applicant Manish Kumar till the next date of hearing with the direction to join the investigation in case FIR No.315/2019 on 07.11.2020, 10.11.2020, 12.11.2020, 18.11.2020 and 20.11.2020 and as and when called upon to do so by the IO.**

For report and consideration, put up on **24.11.2020.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3371
FIR No. 439/2020
PS: Civil Lines
State Vs. Darshna
U/s 33 Delhi Excise Act

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State

Sh.Pranay Abhishek, Counsel for accused-applicant

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

Ld. Counsel for the accused submits that accused-applicant is an aged lady in the age bracket of 51 years and besides the present false case under the Excise Act she has been enroped in another false case under the Excise Act in the year 2020 during the lock down period itself and prior to that she has never ever been involved in any kind of criminal case. That accused-applicant is not a previous convict, is a permanent resident of Delhi with deep roots in the society.

Ld. Addl. PP submits that it is the case of the prosecution that 300 quarter bottles of illicit liquor were recovered on 20.10.2020 at around 7 am by the police in the course of their regular patrolling duty from the area of Manju Ka Tila, out of which 67 quarter bottles are shown to have been recovered from the possession of the accused-applicant. Ld. Addl. PP tacitly concedes that from the contents of the FIR, however, only one packet of 50 bottles can be said to have been received by the accused-

Pranay Abhishek

applicant. It is not disputed that besides the present case, there is one another case under the Excise Act registered against the accused-applicant also in the year 2020 during the lockdown. Ld. Addl. PP further submits that investigation is now complete and no further recoveries are to be effected in the present case.

Heard.


It emerges from the contents of the FIR that the police staff on patrolling duty on 20.10.2020 at around 7 am spotted one scooty bearing no. DL 4SDE 1059 in the area of Majnu Ka Tila. There were 4 packets in black polythene lying on the said scooty, and two boys standing next to the said scooty, who handed over one packet each to two women, both of whom started to run away upon sighting the police party and one of them managed to escape. The said two boys and the accused-applicant however were apprehended at the spot. Each of the packets was found containing 50 quarter bottles of illicit liquor and total 300 quarter bottles of illicit liquor were recovered. Even if the entire accusations are taken on their face value, the accused-applicant is alleged to have been handed over one packet containing 50 quarter bottles of illicit liquor. Investigation is stated to be complete and further custody of the accused-applicant is not claimed for the purposes of investigation.

In such facts and circumstances, application is allowed and regular bail is granted to **the accused-applicant Darshna in case FIR No.439/2020 subject to furnishing personal bond in the sum of Rs.40,000/- with one local surety in the like amount to the satisfaction**



of the Ld. Trial Court/Duty MM and upon the condition that she shall not indulge in criminal activities, she 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, she shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever, She shall not change her address or mobile phone number mentioned in the personal bonds without prior intimation to the IO, She 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
04.11.2020

B. A. No. 3377
FIR No. 370/2020
PS: Timarpur
State Vs. Mohit Kumar
U/s 302/120B IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. Niklesh Kumar, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Mohit Kumar in case FIR No. 370/2020.

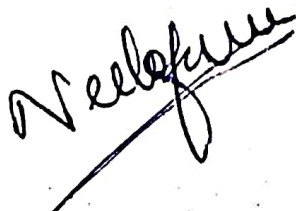
Ld. counsel for the accused-applicant contended that accused-applicant is not specifically named in the FIR. That accused-applicant is innocent and has no connection with the present offence and the only allegation against him is that the co-accused was found in possession of the mobile phone of the accused-applicant, and from the said number he had made calls after the incident to the co-accused. That the co-accused is known to the accused-applicant and the accused-applicant on that day was busy in the marriage arrangements of his sister and when the co-accused had asked for the phone of the accused-applicant to make an urgent call he had handed over the same not knowing of any such intentions of the co-accused.



Ld. Addl. PP for State submits that investigation is at the initial stage, that co-accused Hemant is yet to be arrested. That CDR and CCTV footage of the camera installed near the spot are yet to be collected. On the query of the Court it is clarified that it is not alleged against the accused-applicant that it is the accused-applicant who had fired the gunshot it is also not alleged that he was present at the place of incident, what is to be investigated upon is any possible role of the accused-applicant in the conspiracy to shoot the victim, as the mobile phone of the applicant was found to be used by one of the offender namely Inderjeet @ Rahul and that for the purposes at this stage it would suffice for the progress of the investigation if directions to join investigation are given, to investigate into the circumstances under which the mobile phone of the accused-applicant is recovered from the possession of the co-accused who is the main culprit

Heard.

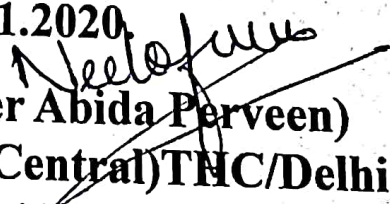
Case of the prosecution is that on 25.10.20 a PCR call regarding "Bullet fire upon a person" was received in PS Timar Pur upon which Police reached at the spot and found that unknown persons had fired upon Virender, who had sustained bullet injury in his head, and had been shifted to Parmanand Hospital. During investigation on the basis of statements of family members of injured and CCTV footage it was found that three persons namely Ravi @ Bangali, Hemant and Inderjeet @ Rahul had fired upon injured Virender. Accused Ravi Bangali and Inderjeet @ Rahul were arrested on 27.10.2020, weapon of offence (Katta) and



M/Cycle were recovered at their instance, Conspirator accused Sahdev (Father of accused Indrajeet @ Rahul) was also arrested in the present case U/s 307/120B IPC. On 28.10.20 the injured Virender died during treatment in Lokpriya Hospital Meerut UP. During investigation it was also found that accused Inderjeet @ Rahul used mobile phone no. (8826295531) of applicant Mohit, after firing upon Virender. Accused Inderjeet called 9 times from 02.16 AM to 03.08 AM on Mobile No. 7042107494, mobile no. of Zakir, who was also found involved in the conspiracy of the case. Applicant Mohit was also examined and his said mobile phone was taken into police possession.

In such facts and circumstances of the case as the accused-applicant is definitely not alleged to be amongst the culprits who had fired at the deceased and presently has come under the radar of suspicion as his mobile phone was used by the co-accused to make phone calls to the co-conspirator after the incident, and taking into consideration the submissions made by Ld. counsel for applicant and as the accused-applicant is not named in the FIR or in any disclosure made by any of the accused in custody involved in the incident, interim protection is granted to the accused-applicant Mohit till the next date of hearing with the direction to join the investigation in case FIR No. 370/2020 on 05.11.2020, 07.11.2020, 11.11.2020, 17.11.2020, 19.11.2020 and 23.11.2020 and as and when called upon to do so by the IO.

For report and consideration, put up on 25.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)TNC/Delhi
04.11.2020

FIR No.217/2018
PS: Sadar Bazar
State Vs. Uttam Gupta

04.11.2020

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

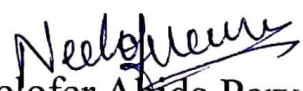
None for accused-applicant

Hearing conducted through Video Conferencing.

This is an application for seeking directions for issuance of new passport on behalf of accused-applicant Uttam Gupta in case FIR No. 217/2018.

Ld. Counsel for applicant when contacted on phone for Webex hearing, submits that he is unwell and requests for adjournment.

For arguments, put up on **18.11.2020**.


(Neelofer Aida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

FIR No.91/2015

PS: NDRS

State Vs. Bhupinder @ Ravi

U/s 395/397/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Bhupinder @ Ravi in case FIR No. 91/2015.

Ld. Counsel for the accused-applicant contended that public witnesses have been examined and have rendered different versions of the incident and there are several inconsistencies which are material for determining the culpability of the accused-applicant in the testimony of the several public witnesses. Ld. Counsel for the accused-applicant has drawn the attention of the Court to the examination in chief of PW1. That all the public witnesses have now been examined and only official witnesses remain to be examined therefore there is no question of the accused-applicant trying to influence the witness or tampering with the evidence. That accused is in JC for the last 5 years in connection with present case and that the prolonged custody is causing prejudice to his right of fair trial as he is not in a position to render proper defence while in custody. That due to prevailing condition arising out of covid-19 pandemic, trial is likely to take some more time. That the accused-applicant has a permanent residence and deep roots in the society and there is no likelihood of him fleeing from justice or absconding if released on

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bail. That the first application for grant of regular bail was dismissed on 15.02.2020.

Ld. Addl. PP, on the other hand, submitted that charge under Section 395/397 IPC is framed against the accused-applicant. That the offence of robbery is committed by the accused persons in a moving train and on the point of knife they robbed valuable items of the passengers of the train of coach no. 7 & 8 and also subjected the passengers to beatings who opposed them and they stopped the train by pulling the chain and fled away with robbed articles. That all the accused persons have been duly identified by the victims/eye witnesses from their photographs. That accused-applicant does not have clean antecedents and is habitual offender as several other criminal cases of similar nature are pending against him. Ld. Addl. PP further submits that PW13 has specifically deposed that it is accused-applicant who had shown him knife and asked him to hand over valuables and cash.

Arguments heard. Record perused.

The accused-applicant alongwith co-accused armed with knife is alleged to have committed dacoity in a moving train. The accused-applicant as well as the co-accused have previous involvements in criminal cases for commission of offences of similar nature and are in-fact previous convicts including the accused-applicant and are facing trial presently in other cases simultaneously, from their antecedents, as well as the preplanned and daredevil manner in which the train dacoity is executed by the accused-applicant alongwith the co-accused it would appear that accused-applicant

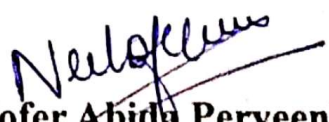
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is habitual to a life of crime and there is strong likelihood that if released on bail would indulge in further criminal activities. Ld. Counsel for the accused-applicant passionately argued in favour of the accused-applicant that it is in the testimony of PW1 that one of the accused, who has been identified to be the accused-applicant, while going away had put amount of Rs.200/- in the hand of her son, thereby impressing upon the Court that there is likelihood of reformation as the accused-applicant basically is a kind hearted person despite the life of crime that he has been leading. I have gone through the testimony of PW1, which shows that the accused-applicant after looting her had put some money in the hands of her child. This singular act is not sufficient to indicate benevolence and remorse on the part of the accused-applicant in the facts and circumstances of the case. Besides PW1 who is one of the several victims of the train dacoity, the prosecution has also examined PW8 Sh. Nand Kishore Dubey, who deposed that 5-6 persons entered the coach, were having knives, pistol and acid bottles and said persons threatened all of them that no person would move otherwise, they would kill and harm them with pistol, knife or acid. Two of them took positions on one gate and two others took position at the other gate and two others took the position at the other gate of the coach. The remaining two threatened the passengers not to raise alarm otherwise they will kill them. PW8 also deposed that accused-applicant also threatened PW1 upon putting knife on her child and looted her. PW9 Ravi Prakash one of the passengers deposed that 4-5 persons entered the coach. PW10 Smt. Banita Dass has also narrated the ghastly incident. It is PW13 who

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has categorically identified the accused-applicant as the offender who by showing knife had robbed him and his wife. 19 witnesses have been examined in prosecution evidence till date. Trial is now at its fag end. In such facts and circumstances, primarily taking into consideration the dastardly nature of the offence and the criminal antecedents of the accused-applicant and as the accused-applicant alongwith co-accused have been clearly identified as the culprits by three of the several victims/eye witnesses examined and the trial has since progressed considerably and now is not likely to take considerable time once the regular working of the Court is resumed, and also as the last bail application is dismissed on 15.2.2020 and there has been no change in the circumstances since then, it is not a fit case for grant bail. The application under Section 439 CrPC for grant of bail moved on behalf of accused Bhupinder @ Ravi in case FIR No. 91/2015 is dismissed.

Copy of the order be sent to the accused-applicant through Superintendent Jail, Dasna.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No.165/2018
PS: Crime Branch
State Vs. Srinivas
U/s 21/29 NDPS Act

04.11.2020 at 4 pm

ORDER

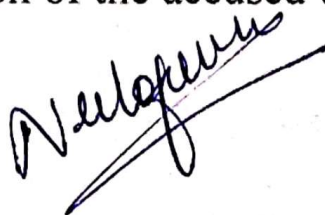
This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Srinivas in case FIR No. 165/2018.

Ld. Counsel for the accused-applicant submits that accused-applicant is only a driver by profession and was engaged by the co-accused to drive truck in question from which the alleged illegal consignment of phensedyl medicine was recovered which he had agreed to do in the ordinary course of business as on earlier occasions also he had transported goods for the co-accused. That infact previously another driver was engaged for the purpose, however, as he was unavailable due to Eid festival at the last moment the accused-applicant was called in to drive the truck in question. That the accused-applicant is not a party to and had no knowledge in respect of any conspiracy pertaining to the consignment of phensedyl syrup, and that no recovery has been effected from the accused-applicant. That on 16.06.2018 the accused no.1 contacted with the accused no.2 through his mobile no, 9760864223 to the mobile phone no. 8393067466 of the accused no. 2 for transporting the goods to its destination, Thereafter the accused-applicant had only been carrying the goods from the different places as per the instructions and directions of the accused no. 1. That as per the Chargesheet of the said case the accused

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no.1 stated that Rinku used to arrange Truck for him for transporting the Phensedyl Syrup safely and Rinku had told him that he had a loaded Truck ready for transporting Phensedyl Syrups safely & clandestinely and also told that he had deputed his confidential (accused no. 2) driver on the i.e. Srinivas said Truck i.e. Truck No. UP-15 CT 7224. That the accused-applicant also disclosed that he used to work for Rinku as Truck driver. It is at the behest of the co-accused that the accused-applicant being merely the driver of the truck was sent to Agra for loading of consignment and then to Bareilly for loading of cartoons from Shahid on 17.06.2018. That all the co-accused have already been granted bail, particularly the transporter and the owner of the consignment. It is the co-accused Nadeem who was present in the truck all along who was aware of the contents of the cartons and had all the documentation pertaining to the same. The accused-applicant was not aware that any illegal transaction in respect of the phensydydyl syrup had taken place involving the co-accused. That the accused-applicant was not privy to any clandestine deal between the co-accused in respect of the consignment and has nothing to do with the present offence.

Ld. PP on the other submits that mandate of Section 37 of NDPS Act could not be satisfied as case pertains to recovery of huge quantity of codeine syrup. That accused Srinivas is the driver of the vehicle in which contraband was being transported and he was very well aware about contraband i.e. codeine phospahte being carried in the said vehicle. That last bail application of the accused-applicant is dismissed on



22.02.2020 and there is no change in circumstances since then. That the accused-applicant with co-accused Nadeem were found in possession of 56 sacks, each sack containing two cartons of phensedyl syrup; each carton containing 100 bottles of phensedyl syrup, manufactured by M/s Abbott Healthcare Pvt. Ltd., which were being sold and transported illegally. That when the raiding party intercepted the Truck containing the consignment of Phensedyl Syrup the accused-applicant who was driver of the Truck and co-accused Nadeem who was present in the truck as conductor could not produce relevant valid documents in respect thereof. That co-accused Nadeem was granted interim bail and has misused the concession and the accused-applicant is also likely to abscond if released on bail

Arguments heard. Record perused.

The present case pertains to recovery of 11200 bottles of Codeine Syrup on the basis of a secret information. It is the prosecution's case that on 17.06.2018, a secret information was received at IGIS, Crime Branch by ASI Rajender Prasad that one Nadeem R/o Meerut is involved in the business of illegal supply of Phensedyl Syrup containing codeine phosphate to his parties namely Laltu, Hasmat, Karim etc. of Malda & Kooch Bihar, West Bengal without any documents; after procuring illegally from suppliers namely Vinay & Vicky of Agra and Shahid & Omkar of Bareilly; who further procure illegal consignments of codeine syrups from Lucknow, Banaras, Bareilly, Meerut, Agra & Delhi. The informer further informed that in the midnight (between 11 PM to 1.00 AM) of that day i.e. 17/18-06-18, a truck belonging to Nadeem, bearing

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registration no. UP-15CT 7724 containing a big lot of illegally procured Phensedyl Syrups clandestinely packed by Vinay of Agra and Shahid of Bareilly and hidden with other articles in the truck, will be brought by accused-applicant Srinivas, a trustworthy driver of co-accused Nadeem(since absconding); near Mori Gate round about, Sarvodaya Bal Vidyalaya, Delhi, where Nadeem accused will meet and they would go for further loading of Phensedyl Syrup. As per directions from superior officers, a raiding team was constituted comprising of ASI Rajinder Prasad, ASI Sriom, HC Yogesh, HC Ram Dass, HC Kuldeep Singh and ASI Kanwal Singh officials of IGIS, Crime Branch, who conducted the raid alongwith the secret informer and apprehended accused Md. Nadeem and accused-applicant Srinivas, the driver of above truck along with aforesaid truck. From search of the truck 56 sacks, each sack containing 2 cartons of Phensedyl Syrup; each carton containing 100 bottles of Phensedyl Syrups, manufactured by M/S Abbott Healthcare Pvt. Ltd were recovered.

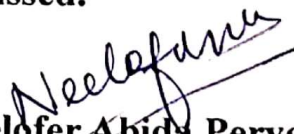
The case of the prosecution against accused-applicant Srinivas is that the illegal consignment of 78 cartons of codeine syrup were loaded on 16.07.2018 from Agra by accused Srinivas at the instance of accused Rinku from accused Vinay Verma from his godown and thereafter on 17.06.2019 he went to Delhi and got 34 more cartons loaded from the transport office of Shahid Hussain. Accused-applicant Srinivas is the driver of the truck from which the recovery is effected and Mohd. Nadeem accused was the conductor of the said truck and proceedings

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under the NDPS Act invite the reverse burden, as accused-applicant Srinivas and co-accused Mohd. Nadeem (since absconding) were apprehended in possession of manufactured drugs concealed in the truck being driven by accused Srinivas alongwith Mohd. Nadeem in contravention of the provisions of the Act and Rules. It could only be assessed after evidence is lead if the accused-applicant though being the driver of the Truck was not in conscious possession thereof, and had no part in the conspiracy. At this stage there is no material before the Court to arrive at a satisfaction that the accused-applicant Srinivas has not committed the offence as alleged against him. The rigors of Section 37 of the Act have to be satisfied as the recovery pertains to commercial quantity of the contraband. The last bail application of the accused-applicant was dismissed on 22.02.2020. There is no change in circumstances since then. The co-accused who were granted bail are sought to be charged for conspiracy based primarily on the secret information received and the disclosures recorded besides connecting the recovered consignment and the vehicle used in the transport thereof to the respective co-accused. The contention raised by the Ld. Counsel for the accused-applicant that accused-applicant was only the driver of the truck and had no knowledge of the illegal consignment of phensedyl Syrup and it is the co-accused Nadeem who had concealed the illegal consignment of phensedyl syrup amongst the legal consignment of mattresses in the truck and it is co-accused Nadeem who was in possession of all the documents pertaining to the consignment, are all contentions which would require trial for

Nadeem

assessment. At this stage, it is pertinent that charge under Section 21 (c) and 29 of NDPS Act is framed against the accused-applicant. No ground for grant of bail is made out as the accused-applicant admittedly was the driver of the truck from which the huge consignment of Phensydyl syrup without documentation is recovered and was transported, and the last bail application on similar ground is dismissed on 22.2.2020 and there has been no change in circumstances since then. The present application under Section 439 CrPC for grant of regular bail on behalf of accused Srinivas in case FIR No. 165/2018 is **therefore, dismissed.**


(Neelofur Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 29/2019
PS: Maurice Nagar
State Vs. Chirag Malhotra

04.11.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. S. S. Dass, counsel for accused-applicant (through video conferencing)
Hearing is conducted through video conferencing.

This is an application seeking directions to the service provider to furnish call details of the following mobile phone numbers: (1) 9899934694 (2) 9461409243 (3) 8076022551 (4) 9910331490 (5) 9818290786 (6) 971 1212786 (7), 9717068570 (8) 9868473148. The accused-applicant seeks preservation of the CDR and call details of the witnesses cited by the prosecution for the purposes of defence. In the course of arguments it is clarified that the application pertains to the preservation of the requisite data in respect of the mobile phone numbers of the members of the raiding party.

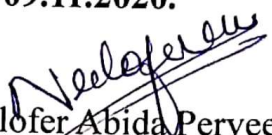
IO has filed reply stating that the mobile phone number belong to (1) 9899934694 SI Hansa Ram (2) 9461409243 Jaswant Singh, father of Hansa Ram (3) 8076022551 ASI Rajender Singh (4) 9910331490 ASI Rajender Singh (5) 9818290786 HC Ansar Khan (6) 9711212786 HC Ansar Khan (7), 9717068570 Ct. Sandeep & (8) 9868473148 SI Vineet. However, same are the personal numbers of the members of the raiding party and no official mobile has been issued to them which contains personal information alongwith other confidential information. It is not brought forth as to whether members of the raiding party were carrying their mobile phones at the spot at the relevant time

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i.e. 07.05.2019.

IO to file further report if the said members of the raiding party had carried the abovementioned personal mobile phone numbers with them to the spot on the relevant date and at the relevant time for the purposes of disposal of the present bail application.

For report and consideration put up on **09.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 288/2019
PS Sarai Rohilla
State v. Rahul @ Hathoda
U/s 394/397/34 IPC


04.11.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Rahul @ Hathoda in case FIR No.288/2019.

During the course of the arguments, Ld. Counsel for the accused-applicant submits that he does not wish to press upon the present bail application as orders passed in the previous bail applications of the accused-applicant are not annexed with the present application and the order granting bail to the co-accused has also not been annexed. Ld. Counsel for accused-applicant submits that present application may be dismissed as withdrawn. It is ordered accordingly. The application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Rahul @ Hathoda in case FIR No.288/2019 is **dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 389/2020
PS Civil Lines
State v. Saraswati
U/s 21/61/85 NDPS Act

04.11.2020

Present: Sh. K. P. Singh, Addl. PP for State

Sh. Monis Ahmed, Counsel for accused-applicant


This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused Saraswati in case FIR No. 179/2019.

Reply is filed on merits.

Ld. Counsel for the accused-applicant submits that accused-applicant has been falsely implicated in the present case and is in JC since 20.09.2020. That accused-applicant is an old lady aged about 70 years old and is suffering from several old aged ailments. That accused-applicant was operated upon and rod was installed in her left leg and she has got hair line fracture in her backbone and is now suffering from back pain for which she wants to get her treatment from the doctors outside the jail dispensary as she is not getting proper treatment in jail.

Let the medical health status report in respect of accused-applicant be called from Jail Superintendent concerned for the next date of hearing.

For report and consideration, put up on **19.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3369
FIR No. 154/2020
PS: Burari
State Vs. Birender @ Virender
U/s 304/34 IPC

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Surender Kumar Sharma, counsel for accused-applicant
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020.

Ld. counsel for the accused-applicant contended that accused-applicant was granted interim bail vide order dated 20.06.2020 on the ground of illness of his wife. That interim bail of the accused-applicant was extended vide order dated 16.07.2020 and 15.09.2020 up to 31.10.2020.

Heard.

Interim Bail in the first instance was granted to the accused applicant for the treatment of his wife and was extended as per the directions passed by the Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. It emerges that the blanket extensions awarded to the UTP's under the previous orders by the H'ble Full Bench passed in the above said writ petition from time to time were revoked and the interim bails and

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orders were not granted further extensions vide order dated 20.10.2020 and it came to be observed and directed as under on the aspect of further extension of interim bails and orders:

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only

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3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex,

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New Delhi shall surrender on 13th November, 2020.


(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

The above directions particularly pertaining to the schedule of surrender of the UTP's, as contained under the said order of H'ble the Full Bench of H'ble the High Court of Delhi however came to be stayed by H'ble the Supreme Court of India in SLP (CIVIL) No.23367/2020 titled as National Forum of Prison Reforms vs. Government of NCT of Delhi & others on 29.10.2020 till the next date of hearing ie 26.11.2020. Moreover, the directions granting leave to the UTP's to seek extension on the merits of their respective grounds has also been stayed. In the wake of the order dated 29.10.2020 of the H'ble Apex Court therefore there are no directions for extension or otherwise required to be passed by this Court in respect of the UTP's who are on interim bail as extended by virtue of the orders passed by the H'ble Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors and who all were required to have surrendered in terms of order dated 20.10.2020 passed in the said writ petition as reproduced supra

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as per the schedule, as the said directions stand stayed till 26.11.2020.
Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 2770
FIR No. 240/2020
PS: Wazirabad
State Vs. Lokesh @Loki
U/s 342/325/394/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of

Nishant Sharma

the complainant. That the entire case of the prosecution is a bundle of lies which is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lohi Gupat whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the M.L.C. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in

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Shaukat @ Ayaan v. State of NCT of Delhi B. A. No. 1289/2019 decided by Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused Lallu Gujjar. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is



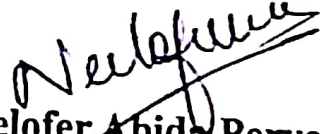
affixed returnable for 2.11.2020.

Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lokesh @ Loki Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC



was affixed on the house of the accused-applicant before the filing of the present application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the complainant is alleged to have been called to the house of accused Ravi Dedha where the assault took place by accused-applicant, the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020 is dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3012
FIR No. 240/2020
PS: Wazirabad
State Vs. Praveen @ Lallu
U/s 392/394/342/325/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application for grant of anticipatory bail on behalf of accused-applicant Praveen @ Lallu in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of the complainant. That the entire case of the prosecution is a bundle of lies which

Nishant Sharma

is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lallu Gujjar whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the MLC. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in *Shaukat @ Ayaan v. State of NCT of Delhi* B. A. No. 1289/2019 decided by

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Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

Heard.



As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar, ie the accused-applicant, came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha and CCTV footage was checked and collected which shows that accused-applicant Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is affixed returnable for 2.11.2020.

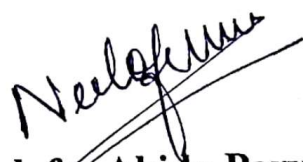
Nishant Sharma

Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lallu Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office and prior thereto entering the house of the complainant. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC was affixed on the house of the accused-applicant before the filing of the present

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application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the accused-applicant on the date of the incident prior to the incident is alleged to have forcefully entered into the house of the complainant, and thereafter to have wrongfully restrained him and manhandled him in the street, and the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Parveen @ Lallu in case FIR No. 240/2020 is dismissed.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 2925
FIR No. 240/2020
PS: Wazirabad
State Vs. Ravi Kumar @ Ravi Dedha
U/s 308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Ravi Kumar @ Ravi Dedha in case FIR No.240/2020.

Ld. counsel for the accused-applicant submits that the accused-applicant is implicated in a totally bogus FIR on false and concocted allegations levelled by the complainant as an afterthought as the wife of the complainant had made a complaint against the complainant as he had tried to rape her and had outraged her modesty but the police officials instead of registering the FIR against the complainant on the complaint of the wife of the accused-applicant which is made prior in time in connivance and collusion have registered this false FIR against the accused-applicant and others whereas no such alleged incident ever occurred. That the complainant is a well known drunkard and liquor addict, who often used to abuse and misbehave with the neighbors and persons of the locality without any cause or reason. On 22.06.2020, in morning hours, the complainant came in front of the house of the applicant/accused and without assigning any cause or reason started abusing the wife and mother of the accused in filthy language. The applicant/accused was not present at his home at the time so the mother of the applicant/ accused made complaint against the complainant to his mother and mother of complainant took the complainant from the house of applicant/accused to her home. That the complainant again in a drunk condition came at the house of the applicant/ accused. At that time, the

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mother of the applicant /accused was in kitchen and applicant/accused was not present and was working on his fields. The wife of the applicant/accused was sweeping in the corridor of the house, then immediately the complainant entered the house and caught hold of the wife of the applicant/ accused from behind and attempted to commit rape on her and outraged her modesty and when mother of the applicant/accused came to rescue the wife of the applicant/accused, the complainant pushed the mother of the applicant/ accused due to which she fell down on the ground, somehow the wife of the accused and her mother in law locked the complainant in their house and called the applicant and on reaching there he made 100 number calls through mobile numbers 9718863737 & 9873213737. That on the call of 100 number, PCR Van came at the spot and the police officials took the complainant Nishant Sharma in a drunken condition to police station. The complainant ran away from the police station and somehow managed to get the false medical record, though he has not received any injury. However, the statement of the wife of the applicant / accused was recorded by the police officials. That on 23.06.2020 in the evening the applicant/accused came to know that the police officials have registered a false case on the pressure of complainant and some of his associates instead of lodging case of the wife of the applicant/accused. That the case of the complainant as reported in the FIR is completely false and the complainant has not received any sort of injury since he was not beaten by anyone but on the other hand, the complainant to counter blast the case of the wife of the applicant/accused has reported the absolutely false case i.e. the complainant has run away from the police station and managed to get medical examination in the evening at about 6:00 PM while alleged incident is of 11:30 AM to 12:00 noon and further no one police official accompanied the complainant at the time of medical examination from PS Wazirabad, Delhi. On

Nishant Sharma

the other hand, FIR is registered on next day on 23.06.2020 which completely shows that a false case has been registered. That the police officials have also registered the case of the wife of the applicant/accused against the present complainant vide FIR No. 284/2020 U/s 354A/354B/509 IPC. The complainant is also involved in other criminal cases as per the knowledge of the applicant/accused and he is a man of bad reputation and character in the locality. That even if the case is presumed to be true as reported in FIR, offence under section 323/325 IPC alone is made out but no case of culpable homicide U/s 308 IPC is made out, since there is no any injury on the vital part of the body and there is no mention on the MLC for any admission of the complainant in hospital. Ld. counsel for the accused-applicant in support of his contention has relied upon decision in *Deshraj v. Kewal Kishan & Ors.* 2010 [1] JCC 48.

Ld. Addl. PP on the other hand submits that investigation is still in progress and there are co-accused who are absconding, that recoveries are yet to be effected, that the complainant has suffered grievous injuries, that in pursuance to clarification sought by the Court IO has also sought opinion if the injuries could be self inflicted and though the opinion is not obtained yet in writing but it has been confirmed to the IO that the kind of fracture suffered by the complainant could not have been self inflicted. That there is no delay, as the complainant had made the 100 number call immediately and initially MLC is of AAA hospital but for further treatment and surgery he was referred to BLK Hospital, and that after receiving the information the statement of the complainant is recorded in the hospital upon which the present FIR has come to be registered. That the accused-applicant was armed with a iron rod and had hit on the head of the complainant with the backside of the pistol. That the entire assault infact is at the behest of the accused-applicant.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of accused Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him.

It is alleged that the present case FIR is an afterthought conceived in

Nishant Sharma

malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020 registered subsequent to the present case FIR. It is the own contention on behalf of the accused-applicant that the complainant at that time had not suffered any injuries much less a fracture. The prosecution relies on CDR details of the co-accused and CCTV footage of the incidents which are precursors to the assault. The complainant was called to the house of the accused-applicant and had not visited at the time of the assault of his own volition. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Ld. counsel for the accused-applicant has relied upon decision in


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Deshraj's case (Supra) to impress upon the Court that even if all the allegations are taken on their face value, there is not sufficient material to proceed against the accused-applicant for offence under Section 308 IPC as the grievous injury is not on the vital part of the body. As per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020. As per MLC of the complainant, there are multiple injuries suffered by him i.e. 1. Lacerated wound over left leg upper side, 2. Abrasion over thigh, leg and chest, 3. Redness and swollen eye and 4. Tenderness and swelling over right forearm and wrist. Injuries were opined to be grievous in nature and surgery was advised. Weapon of offence is opined to be blunt. There is medical advice for bed rest of six weeks.

Preceding the assault there are several attempts to ensure the presence of the complainant at the place of incident, the place of incident is the house of the accused-applicant where the complainant had walked in unarmed and the accused-applicant and the co-accused were already present armed with dandas, pistol and iron rod, the accused applicant is alleged to have hit the complainant on the head with the pistol butt and to have beaten the complainant armed with iron rod as a consequence whereof the complainant suffered grievous injury. The series of events preceding the assault, and the manner in which it unfolded goes to show that it was premeditated with preplanning, when an unarmed person is beaten by more than one person with dandas and iron rod, in a pre meditated manner with fore planning, it is capable of being imputed to the accused-applicant that under such circumstances such injury that in all probability may cause death is likely to be caused. The prima facie case is best left to be assessed and the material evaluated by the Trial Court after the

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investigation is complete and chargesheet is filed. At this stage the investigation is still under progress as there are co-accused named in the FIR yet to be arrested, and recoveries yet to be effected. Under such facts and circumstances therefore at this stage no ground is made out to grant regular bail to accused Ravi Kumar @ Ravi Dedha in case FIR No.240/2020. This application under Section 439 CrPC for grant of regular bail moved on behalf of accused Ravi Kumar @ Ravi Dedha in case FIR No. 240/2020 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

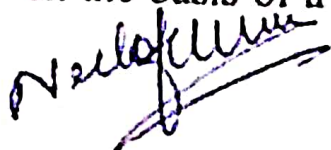
B. A. No. 2883
FIR No. 395/2020
PS: Civil Lines
State Vs. Vashu
U/s 392/394/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Vashu in case FIR No.395/2020.

Ld. counsel for the accused-applicant submits that the accused-applicant is innocent and apprehends his arrest in connection with the present case FIR as one police official visited the residence of the accused-applicant informing his wife that the accused-applicant is wanted in connection with the present case FIR. That the accused-applicant has not committed any such alleged offence of robbery which allegations are totally false and concocted. That there was an altercation with the complainant on the issue of parking of e-rickshaw with some persons of the locality and accused-applicant who lives in the neighborhood was only a bystander and is unnecessarily being enroped in the present case FIR. That even otherwise all the recoveries stand effected, and the custodial interrogation of the accused-applicant is not required for the purposes of effecting recoveries and that the accused-applicant is ready and willing to join investigation and fully cooperate in the investigation. That the entire reputation of the accused-applicant would be maligned if he is arrested for no justifiable reason but on the basis of a false disclosure recorded by the



police just to make a case in collusion with the complainant. That all the co-accused have now been granted regular bail by this Court.

Ld. APP submits that the present FIR came to be registered on the complaint of Vijay Kumar on the allegations that on 23.09.2020, he along with his friend Ajay Kumar had gone for delivery of ordered articles at H. No-33, Majnu Ka Tila when four persons had robbed them of their money and fled away from the spot. That during investigation, accused Akash, Manish and Bharat were arrested at the instance of the complainant and robbed amount was recovered from their possession. However, accused-applicant could not be apprehended. That it has been verified that the house of the accused-applicant is situated near to the place of incident. That it has also been verified that the complainant was making the delivery of articles ordered from an e-commerce site. That it is in the disclosures made by the co-accused already apprehended in this case from the spot that the name of the accused-applicant has surfaced and that TIP is to be conducted for the further progress of the investigation in respect of the accused-applicant though the robbed amount is recovered and investigation qua the apprehended co-accused stands concluded.

Heard.

Accused-applicant is alleged to have fled away from the spot after the incident and the co-accused who were apprehended at the instance of the complainant from near the spot had disclosed the name of the accused-applicant as the fourth offender and also his residential address. The prosecution requires custody of the accused-applicant for the purposes

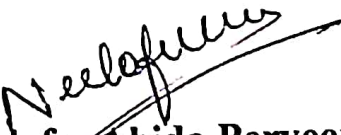
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of conducting TIP proceeding though the recoveries stand effected.

It is contended for the accused-applicant that there is no material against the accused except for the disclosure recorded of the co-accused which in itself is a weak piece of evidence. It is however too early in the day to begin to appreciate the nature of the material collected against the accused-applicant. The FIR is registered under sections 392/397/411/34 IPC, and TIP proceedings in respect of the accused-applicant is yet to be conducted. Disclosures recorded though not material piece of evidence in itself sufficient enough to raise a prima facie case against the accused or to substantiate the charge and support a conviction but for the purposes of investigation it is a significant development for leading the investigation in a particular direction. The investigative agency is to be accorded some leeway in the process and is to be afforded all opportunity to dig out the truth and all material pertaining to the commission of an offence. It would be too presumptuous to make any observation on the sufficiency or otherwise of the material yet to be collected in the course of investigation. Any assessment of the evidence can be undertaken and sufficiency of the material can be commented upon reasonably and effectively once the chargesheet after conclusion of all investigative process is filed in the court. In such facts and circumstances as the investigation is underway, as the chargesheet is yet to be filed and taking into consideration that the accused-applicant is alleged to be one of the offenders who fled away from the spot after committing the offence of robbery alongwith the co-accused and the investigative agency requires the custody of the accused-applicant

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in order to conduct TIP proceedings, it would impede the further progress of the investigation if anticipatory bail were to be granted to the accused-applicant. No ground is made out to grant anticipatory bail to accused Vashu in FIR No.395/2020. The application at hand accordingly stands dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3145
FIR No. 166/2020
PS: Roop Nagar
State Vs. Arun Kumar
U/s 420/120B IPC

04.11.2020

Fresh application received. Bo registered.

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

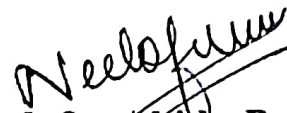
Sh. Praveen Tyagi, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Arun Kumar in case FIR No.166/2020.

Arguments heard.

For orders, put up on 07.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3369
FIR No. 154/2020
PS: Burari
State Vs. Birender @ Virender
U/s 304/34 IPC

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Surender Kumar Sharma, counsel for accused-applicant
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020.

Ld. counsel for the accused-applicant contended that accused-applicant was granted interim bail vide order dated 20.06.2020 on the ground of illness of his wife. That interim bail of the accused-applicant was extended vide order dated 16.07.2020 and 15.09.2020 up to 31.10.2020.

Heard.

Interim Bail in the first instance was granted to the accused applicant for the treatment of his wife and was extended as per the directions passed by the Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. It emerges that the blanket extensions awarded to the UTP's under the previous orders by the H'ble Full Bench passed in the above said writ petition from time to time were revoked and the interim bails and

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orders were not granted further extensions vide order dated 20.10.2020 and it came to be observed and directed as under on the aspect of further extension of interim bails and orders:

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only

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3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3d November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex,

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New Delhi shall surrender on 13th November, 2020.


(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

The above directions particularly pertaining to the schedule of surrender of the UTP's, as contained under the said order of H'ble the Full Bench of H'ble the High Court of Delhi however came to be stayed by H'ble the Supreme Court of India in SLP (CIVIL) No.23367/2020 titled as National Forum of Prison Reforms vs. Government of NCT of Delhi & others on 29.10.2020 till the next date of hearing ie 26.11.2020. Moreover, the directions granting leave to the UTP's to seek extension on the merits of their respective grounds has also been stayed. In the wake of the order dated 29.10.2020 of the H'ble Apex Court therefore there are no directions for extension or otherwise required to be passed by this Court in respect of the UTP's who are on interim bail as extended by virtue of the orders passed by the H'ble Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors and who all were required to have surrendered in terms of order dated 20.10.2020 passed in the said writ petition as reproduced supra

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as per the schedule, as the said directions stand stayed till 26.11.2020.
Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 2770
FIR No. 240/2020
PS: Wazirabad
State Vs. Lokesh @Loki
U/s 342/325/394/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of

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the complainant. That the entire case of the prosecution is a bundle of lies which is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lohi Gupat whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the M.L.C. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in

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Shaukat @ Ayaan v. State of NCT of Delhi B. A. No. 1289/2019 decided by Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused Lallu Gujjar. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is



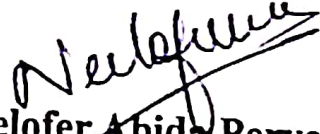
affixed returnable for 2.11.2020.

Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lokesh @ Loki Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC



was affixed on the house of the accused-applicant before the filing of the present application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the complainant is alleged to have been called to the house of accused Ravi Dedha where the assault took place by accused-applicant, the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020 is dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3012
FIR No. 240/2020
PS: Wazirabad
State Vs. Praveen @ Lallu
U/s 392/394/342/325/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application for grant of anticipatory bail on behalf of accused-applicant Praveen @ Lallu in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of the complainant. That the entire case of the prosecution is a bundle of lies which

Nishant Sharma

is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lallu Gujjar whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the MLC. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in *Shaukat @ Ayaan v. State of NCT of Delhi* B. A. No. 1289/2019 decided by

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Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

Heard.



As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar, ie the accused-applicant, came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha and CCTV footage was checked and collected which shows that accused-applicant Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is affixed returnable for 2.11.2020.

Naboj Kumar

Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lallu Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office and prior thereto entering the house of the complainant. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC was affixed on the house of the accused-applicant before the filing of the present

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application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the accused-applicant on the date of the incident prior to the incident is alleged to have forcefully entered into the house of the complainant, and thereafter to have wrongfully restrained him and manhandled him in the street, and the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Parveen @ Lallu in case FIR No. 240/2020 is dismissed.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 2925
FIR No. 240/2020
PS: Wazirabad
State Vs. Ravi Kumar @ Ravi Dedha
U/s 308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Ravi Kumar @ Ravi Dedha in case FIR No.240/2020.

Ld. counsel for the accused-applicant submits that the accused-applicant is implicated in a totally bogus FIR on false and concocted allegations levelled by the complainant as an afterthought as the wife of the complainant had made a complaint against the complainant as he had tried to rape her and had outraged her modesty but the police officials instead of registering the FIR against the complainant on the complaint of the wife of the accused-applicant which is made prior in time in connivance and collusion have registered this false FIR against the accused-applicant and others whereas no such alleged incident ever occurred. That the complainant is a well known drunkard and liquor addict, who often used to abuse and misbehave with the neighbors and persons of the locality without any cause or reason. On 22.06.2020, in morning hours, the complainant came in front of the house of the applicant/accused and without assigning any cause or reason started abusing the wife and mother of the accused in filthy language. The applicant/accused was not present at his home at the time so the mother of the applicant/ accused made complaint against the complainant to his mother and mother of complainant took the complainant from the house of applicant/accused to her home. That the complainant again in a drunk condition came at the house of the applicant/ accused. At that time, the

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mother of the applicant /accused was in kitchen and applicant/accused was not present and was working on his fields. The wife of the applicant/accused was sweeping in the corridor of the house, then immediately the complainant entered the house and caught hold of the wife of the applicant/ accused from behind and attempted to commit rape on her and outraged her modesty and when mother of the applicant/accused came to rescue the wife of the applicant/accused, the complainant pushed the mother of the applicant/ accused due to which she fell down on the ground, somehow the wife of the accused and her mother in law locked the complainant in their house and called the applicant and on reaching there he made 100 number calls through mobile numbers 9718863737 & 9873213737. That on the call of 100 number, PCR Van came at the spot and the police officials took the complainant Nishant Sharma in a drunken condition to police station. The complainant ran away from the police station and somehow managed to get the false medical record, though he has not received any injury. However, the statement of the wife of the applicant / accused was recorded by the police officials. That on 23.06.2020 in the evening the applicant/accused came to know that the police officials have registered a false case on the pressure of complainant and some of his associates instead of lodging case of the wife of the applicant/accused. That the case of the complainant as reported in the FIR is completely false and the complainant has not received any sort of injury since he was not beaten by anyone but on the other hand, the complainant to counter blast the case of the wife of the applicant/accused has reported the absolutely false case i.e. the complainant has run away from the police station and managed to get medical examination in the evening at about 6:00 PM while alleged incident is of 11:30 AM to 12:00 noon and further no one police official accompanied the complainant at the time of medical examination from PS Wazirabad, Delhi. On

Nishant Sharma

the other hand, FIR is registered on next day on 23.06.2020 which completely shows that a false case has been registered. That the police officials have also registered the case of the wife of the applicant/accused against the present complainant vide FIR No. 284/2020 U/s 354A/354B/509 IPC. The complainant is also involved in other criminal cases as per the knowledge of the applicant/accused and he is a man of bad reputation and character in the locality. That even if the case is presumed to be true as reported in FIR, offence under section 323/325 IPC alone is made out but no case of culpable homicide U/s 308 IPC is made out, since there is no any injury on the vital part of the body and there is no mention on the MLC for any admission of the complainant in hospital. Ld. counsel for the accused-applicant in support of his contention has relied upon decision in Deshraj v. Kewal Kishan & Ors. 2010 [1] JCC 48.

Ld. Addl. PP on the other hand submits that investigation is still in progress and there are co-accused who are absconding, that recoveries are yet to be effected, that the complainant has suffered grievous injuries, that in pursuance to clarification sought by the Court IO has also sought opinion if the injuries could be self inflicted and though the opinion is not obtained yet in writing but it has been confirmed to the IO that the kind of fracture suffered by the complainant could not have been self inflicted. That there is no delay, as the complainant had made the 100 number call immediately and initially MLC is of AAA hospital but for further treatment and surgery he was referred to BLK Hospital, and that after receiving the information the statement of the complainant is recorded in the hospital upon which the present FIR has come to be registered. That the accused-applicant was armed with a iron rod and had hit on the head of the complainant with the backside of the pistol. That the entire assault infact is at the behest of the accused-applicant.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of accused Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him.

It is alleged that the present case FIR is an afterthought conceived in

Nishant Sharma

malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020 registered subsequent to the present case FIR. It is the own contention on behalf of the accused-applicant that the complainant at that time had not suffered any injuries much less a fracture. The prosecution relies on CDR details of the co-accused and CCTV footage of the incidents which are precursors to the assault. The complainant was called to the house of the accused-applicant and had not visited at the time of the assault of his own volition. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Ld. counsel for the accused-applicant has relied upon decision in


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Deshraj's case (Supra) to impress upon the Court that even if all the allegations are taken on their face value, there is not sufficient material to proceed against the accused-applicant for offence under Section 308 IPC as the grievous injury is not on the vital part of the body. As per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020. As per MLC of the complainant, there are multiple injuries suffered by him i.e. 1. Lacerated wound over left leg upper side, 2. Abrasion over thigh, leg and chest, 3. Redness and swollen eye and 4. Tenderness and swelling over right forearm and wrist. Injuries were opined to be grievous in nature and surgery was advised. Weapon of offence is opined to be blunt. There is medical advice for bed rest of six weeks.

Preceding the assault there are several attempts to ensure the presence of the complainant at the place of incident, the place of incident is the house of the accused-applicant where the complainant had walked in unarmed and the accused-applicant and the co-accused were already present armed with dandas, pistol and iron rod, the accused applicant is alleged to have hit the complainant on the head with the pistol butt and to have beaten the complainant armed with iron rod as a consequence whereof the complainant suffered grievous injury. The series of events preceding the assault, and the manner in which it unfolded goes to show that it was premeditated with preplanning, when an unarmed person is beaten by more than one person with dandas and iron rod, in a pre meditated manner with fore planning, it is capable of being imputed to the accused-applicant that under such circumstances such injury that in all probability may cause death is likely to be caused. The prima facie case is best left to be assessed and the material evaluated by the Trial Court after the

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investigation is complete and chargesheet is filed. At this stage the investigation is still under progress as there are co-accused named in the FIR yet to be arrested, and recoveries yet to be effected. Under such facts and circumstances therefore at this stage no ground is made out to grant regular bail to accused Ravi Kumar @ Ravi Dedha in case FIR No.240/2020. This application under Section 439 CrPC for grant of regular bail moved on behalf of accused Ravi Kumar @ Ravi Dedha in case FIR No. 240/2020 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 418/2020
PS: Gulabi Bagh
State Vs. Seema
U/s 21/61/85 NDPS Act

04.11.2020

Fresh application received. Be registered.

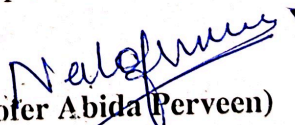
Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)
Sh. B. L. Madhukar, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Seema in case FIR No. 418/2020.

Ld. Addl. PP seeks some time to file reply. Let the same be filed on or before the next date of hearing.

For reply and consideration, put up on **18.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3336

FIR No. 193/2020

PS: Wazirabad

State Vs. Anish Tyagi

U/s 392/34 IPC

04.11.2020

Fresh application received. Be registered.

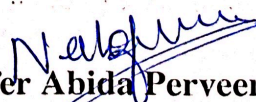
Present: Sh. K.P.Singh, Addl. PP for State.

Sh. P. K. Chaudhary, counsel for accused-applicant

This is third application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Anish Tyagi in case FIR No.193/2020.

Ld. Counsel for accused-applicant submits that by virtue of the last extension granted to the accused-applicant, interim bail granted in terms of judgment passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition No. 1/2020, order/judgment dated 23.03.2020 passed by Hon'ble High Court of Delhi in case titled as Shobha Gupta & Anr. V. UOI and Ors W. P. (C) No. 2945/2020, is going to expire on 09.11.2020.

In view thereof, put up on **09.11.2020** awaiting further orders/direction ^{in re} W. P. (C) No. 3080/2020 titled as, Court on its Own Motion v. Govt. of NCT of Delhi and Ors., and vide order dated 07.04.2020 of Hon'ble High Court of Delhi.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 3023
FIR No. 204/2020
PS: Roop Nagar
State Vs. Tara Chand Talwar
U/s 409/420/467/468/471/34 IPC

&

B. A. No. 3022
FIR No. 204/2020
PS: Roop Nagar
State Vs. Naresh Lal Chaudhary
U/s 409/420/467/468/471/34 IPC

04.11.2020

Present: Sh. K.P.Singh, Addl. PP for State
Counsel for accused-applicant

These are two applications for grant of anticipatory bail on behalf of accused-applicants Tara Chand Talwar and Naresh Lal Chaudhary in case FIR No. 204/2020.

Ld. Proxy counsel submits that Ld. Main counsel Sh. Pradeep Rai is unwell as has been tested positive for covid-19 infection. Ld. Roxy so far as information goes one of the accused Naresh Lal Chaudhary is also tested positive for covid-19 infection and is hospitalized.

Report of the IO is received electronically and hard copy is placed on record. Copy of the reply be forwarded to the Ld. Counsel.

It is submitted that the accused-applicant have not cooperated in the investigation.

Naresh Lal Chaudhary

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Taking into consideration that the held. Main counsel is stated to be unwell and one of the accused-applicant is also stated to be hospitalized, both on account of covid-19 infection, for consideration, put up on 12.11.2020.

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(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3023

FIR No. 204/2020

PS: Roop Nagar

State Vs. Tara Chand Talwar

U/s 409/420/467/468/471/34 IPC

&

B. A. No. 3022

FIR No. 204/2020

PS: Roop Nagar

State Vs. Naresh Lal Chaudhary

U/s 409/420/467/468/471/34 IPC

04.11.2020

Present: Sh. K.P.Singh, Addl. PP for State

Counsel for accused-applicant

These are two applications for grant of anticipatory bail on behalf of accused-applicants Tara Chand Talwar and Naresh Lal Chaudhary in case FIR No. 204/2020.


Ld. Proxy counsel submits that Ld. Main counsel Sh. Pradeep Rai is unwell as has been tested positive for covid-19 infection. Ld. Roxy so far as information goes one of the accused Naresh Lal Chaudhary is also tested positive for covid-19 infection and is hospitalized.

Report of the IO is received electronically and hard copy is placed on record. Copy of the reply be forwarded to the Ld. Counsel.

It is submitted that the accused-applicant have not cooperated in the investigation.

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Taking into consideration that the ^{ad}ld. Main counsel is stated to be unwell and one of the accused-applicant is also stated to be hospitalized, both on account of covid-19 infection, for consideration, put up on 12.11.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3355

FIR No. 348/2020

PS: Burari

State Vs. Mohd. Hasan @ Sameer

U/s 376/506/34 IPC

04.11.2020

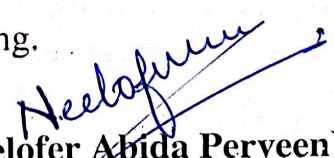
Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Rahul Rajpal, counsel 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-applicant Mohd. Hasan @ Sameer in case FIR No.348/2020.

Reply of the IO is received electronically. Hard copy be placed alongwith the file. Copy of the reply be forwarded to the Ld. Counsel for the accused-applicant. It emerges that the FIR pertains to commission of offence under Section 376 IPC in view thereof notice in the application be issued to the prosecutrix through the IO.

For consideration, put up on **17.11.2020**, as per request of Ld. Counsel for the accused for physical hearing.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 2951

FIR No. 0028/2020

PS: Timarpur

State Vs. Nadeem

U/s 394/397/411/34 IPC

04.11.2020

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


Sh. Rajesh Mittal , Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Nadeem in case FIR No.0028/2020.

Arguments heard.

For orders, put up on **06.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 179/2019

PS: Wazirabad

State Vs. Manish @ Dabbu

U/s 304B/468A/34 IPC

04.11.2020

Fresh application received. Be registered.

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

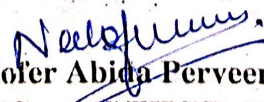
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail 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 medical documents annexed with the application shows that the mother of the accused-applicant, for treatment is to be admitted in hospital on 12th of November, 2020 for surgery to be performed on 13.11.2020.

Let medical record annexed with the application be verified alongwith the family status of the accused-applicant.

For report and consideration, put up on **11.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3357

FIR No. Not Known

PS: Gulabi Bagh

State Vs. Rohit Kumar

U/s Not known

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Ajay Goel, counsel for accused-applicant (through video conferencing)
Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Rohit Kumar.

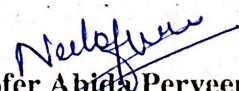
Reply is filed.

Ld. Addl. PP submits that FIR No. 128/2019 dated 30.10.2020 at PS Gulabi Bagh has been registered against the accused-applicant and subsequently after obtaining the opinion on the MLC of the injured, offence under Section 308 IPC has been added.

Ld. Counsel for accused-applicant submits that he is not aware of any such FIR registered against the accused-applicant.

Let copy of reply be forwarded to the ld. Counsel for accused-applicant.

For further consideration, put up on 12.11.2020.


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

04.11.2020

B. A. No. 3370

FIR No. 278/2020

PS: Burari

State Vs. Rahul

U/s 304B/498A/306 IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. Vivek Sharma, counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rahul in case FIR No.278/2020.

Reply is filed.

Ld. Counsel for the accused-applicant submits that he has not received copy of reply. Copy of reply be forwarded to Ld. Counsel for accused-applicant.

For further consideration, put up on **18.11.2020**.


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

04.11.2020

FIR No. 327/2018
PS: Prasad Nagar
State Vs. Ramesh
U/s 307 IPC

04.11.2020

Fresh application received. Be registered.

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

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail/interim bail on behalf of accused Ramesh in case FIR No. 327/2018.

Reply is filed.

Ld. Counsel for the accused-applicant contended that accused-applicant was granted interim bail vide order dated 08.06.2020 under the guidelines of High Powered Committee of Hon'ble High Court of Delhi, which was further extended vide order dated 21.07.2020 and lastly vide order dated 29.10.2020, the interim bail of the accused-applicant was extended till 04.11.2020 and that in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 21.08.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in

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Delhi which was subsequently extended on 9.9.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised"

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts

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shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(j) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....
Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would

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be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPS/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these relevant factor i.e.:

- (a) Actual holding capacity of Delhi Prison,
- (b) Present occupancy,
- (c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and
- (d) Period of of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

.....
In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPS about extension of their "interim bail" for a further

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period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

.....
Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and direction of the Hon'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 07.11.2020 on the same terms and conditions.

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(Neelofar Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 3350

FIR No. 154/2020

PS: Burari

State Vs. Birender @ Virender

U/s 304/34 IPC

04.11.2020

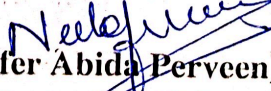
Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. S. K. Sharma, counsel for accused-applicant

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020.

When it is brought to the notice of Ld. Counsel for accused-applicant that another application for extension of interim bail on behalf of accused-applicant has already been taken up for hearing today which has been filed through Sh. R. A. Khan, Advocate, Ld. Counsel submits that he does not wish to press upon the present bail application and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020 is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 2925
FIR No. 240/2020
PS: Wazirabad
State Vs. Ravi Kumar @ Ravi Dedha
U/s 308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Ravi Kumar @ Ravi Dedha in case FIR No.240/2020.

Ld. counsel for the accused-applicant submits that the accused-applicant is implicated in a totally bogus FIR on false and concocted allegations levelled by the complainant as an afterthought as the wife of the complainant had made a complaint against the complainant as he had tried to rape her and had outraged her modesty but the police officials instead of registering the FIR against the complainant on the complaint of the wife of the accused-applicant which is made prior in time in connivance and collusion have registered this false FIR against the accused-applicant and others whereas no such alleged incident ever occurred. That the complainant is a well known drunkard and liquor addict, who often used to abuse and misbehave with the neighbors and persons of the locality without any cause or reason. On 22.06.2020, in morning hours, the complainant came in front of the house of the applicant/accused and without assigning any cause or reason started abusing the wife and mother of the accused in filthy language. The applicant/accused was not present at his home at the time so the mother of the applicant/ accused made complaint against the complainant to his mother and mother of complainant took the complainant from the house of applicant/accused to her home. That the complainant again in a drunk condition came at the house of the applicant/ accused. At that time, the

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mother of the applicant /accused was in kitchen and applicant/accused was not present and was working on his fields. The wife of the applicant/accused was sweeping in the corridor of the house, then immediately the complainant entered the house and caught hold of the wife of the applicant/ accused from behind and attempted to commit rape on her and outraged her modesty and when mother of the applicant/accused came to rescue the wife of the applicant/accused, the complainant pushed the mother of the applicant/ accused due to which she fell down on the ground, somehow the wife of the accused and her mother in law locked the complainant in their house and called the applicant and on reaching there he made 100 number calls through mobile numbers 9718863737 & 9873213737. That on the call of 100 number, PCR Van came at the spot and the police officials took the complainant Nishant Sharma in a drunken condition to police station. The complainant ran away from the police station and somehow managed to get the false medical record, though he has not received any injury. However, the statement of the wife of the applicant / accused was recorded by the police officials. That on 23.06.2020 in the evening the applicant/accused came to know that the police officials have registered a false case on the pressure of complainant and some of his associates instead of lodging case of the wife of the applicant/accused. That the case of the complainant as reported in the FIR is completely false and the complainant has not received any sort of injury since he was not beaten by anyone but on the other hand, the complainant to counter blast the case of the wife of the applicant/accused has reported the absolutely false case i.e. the complainant has run away from the police station and managed to get medical examination in the evening at about 6:00 PM while alleged incident is of 11:30 AM to 12:00 noon and further no one police official accompanied the complainant at the time of medical examination from PS Wazirabad, Delhi. On

Nishant Sharma

the other hand, FIR is registered on next day on 23.06.2020 which completely shows that a false case has been registered. That the police officials have also registered the case of the wife of the applicant/accused against the present complainant vide FIR No. 284/2020 U/s 354A/354B/509 IPC. The complainant is also involved in other criminal cases as per the knowledge of the applicant/accused and he is a man of bad reputation and character in the locality. That even if the case is presumed to be true as reported in FIR, offence under section 323/325 IPC alone is made out but no case of culpable homicide U/s 308 IPC is made out, since there is no any injury on the vital part of the body and there is no mention on the MLC for any admission of the complainant in hospital. Ld. counsel for the accused-applicant in support of his contention has relied upon decision in *Deshraj v. Kewal Kishan & Ors.* 2010 [1] JCC 48.

Ld. Addl. PP on the other hand submits that investigation is still in progress and there are co-accused who are absconding, that recoveries are yet to be effected, that the complainant has suffered grievous injuries, that in pursuance to clarification sought by the Court IO has also sought opinion if the injuries could be self inflicted and though the opinion is not obtained yet in writing but it has been confirmed to the IO that the kind of fracture suffered by the complainant could not have been self inflicted. That there is no delay, as the complainant had made the 100 number call immediately and initially MLC is of AAA hospital but for further treatment and surgery he was referred to BLK Hospital, and that after receiving the information the statement of the complainant is recorded in the hospital upon which the present FIR has come to be registered. That the accused-applicant was armed with a iron rod and had hit on the head of the complainant with the backside of the pistol. That the entire assault infact is at the behest of the accused-applicant.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of accused Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him.

It is alleged that the present case FIR is an afterthought conceived in

Nishant Sharma

malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020 registered subsequent to the present case FIR. It is the own contention on behalf of the accused-applicant that the complainant at that time had not suffered any injuries much less a fracture. The prosecution relies on CDR details of the co-accused and CCTV footage of the incidents which are precursors to the assault. The complainant was called to the house of the accused-applicant and had not visited at the time of the assault of his own volition. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Ld. counsel for the accused-applicant has relied upon decision in


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Deshraj's case (Supra) to impress upon the Court that even if all the allegations are taken on their face value, there is not sufficient material to proceed against the accused-applicant for offence under Section 308 IPC as the grievous injury is not on the vital part of the body. As per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020. As per MLC of the complainant, there are multiple injuries suffered by him i.e. 1. Lacerated wound over left leg upper side, 2. Abrasion over thigh, leg and chest, 3. Redness and swollen eye and 4. Tenderness and swelling over right forearm and wrist. Injuries were opined to be grievous in nature and surgery was advised. Weapon of offence is opined to be blunt. There is medical advice for bed rest of six weeks.

Preceding the assault there are several attempts to ensure the presence of the complainant at the place of incident, the place of incident is the house of the accused-applicant where the complainant had walked in unarmed and the accused-applicant and the co-accused were already present armed with dandas, pistol and iron rod, the accused applicant is alleged to have hit the complainant on the head with the pistol butt and to have beaten the complainant armed with iron rod as a consequence whereof the complainant suffered grievous injury. The series of events preceding the assault, and the manner in which it unfolded goes to show that it was premeditated with preplanning, when an unarmed person is beaten by more than one person with dandas and iron rod, in a pre meditated manner with fore planning, it is capable of being imputed to the accused-applicant that under such circumstances such injury that in all probability may cause death is likely to be caused. The prima facie case is best left to be assessed and the material evaluated by the Trial Court after the

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investigation is complete and chargesheet is filed. At this stage the investigation is still under progress as there are co-accused named in the FIR yet to be arrested, and recoveries yet to be effected. Under such facts and circumstances therefore at this stage no ground is made out to grant regular bail to accused Ravi Kumar @ Ravi Dedha in case FIR No.240/2020. This application under Section 439 CrPC for grant of regular bail moved on behalf of accused Ravi Kumar @ Ravi Dedha in case FIR No. 240/2020 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3012
FIR No. 240/2020
PS: Wazirabad
State Vs. Praveen @ Lallu
U/s 392/394/342/325/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application for grant of anticipatory bail on behalf of accused-applicant Praveen @ Lallu in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of the complainant. That the entire case of the prosecution is a bundle of lies which

Nishant Sharma

is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lallu Gujjar whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the MLC. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in Shaukat @ Ayaan v. State of NCT of Delhi B. A. No. 1289/2019 decided by

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Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

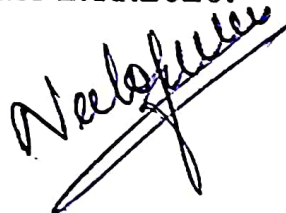
Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

Heard.



As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar, ie the accused-applicant, came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha and CCTV footage was checked and collected which shows that accused-applicant Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is affixed returnable for 2.11.2020.

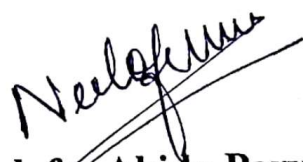


Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lallu Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office and prior thereto entering the house of the complainant. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC was affixed on the house of the accused-applicant before the filing of the present

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application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the accused-applicant on the date of the incident prior to the incident is alleged to have forcefully entered into the house of the complainant, and thereafter to have wrongfully restrained him and manhandled him in the street, and the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Parveen @ Lallu in case FIR No. 240/2020 is dismissed.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 2770
FIR No. 240/2020
PS: Wazirabad
State Vs. Lokesh @Loki
U/s 342/325/394/308/34 IPC

04.11.2020 at 4 pm

ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020.

Ld. counsel for the accused-applicant submits that accused-applicant apprehends his arrest by the police of PS Wazirabad in case FIR No. 204/2020 registered on the statement of one Nishant Sharma. That it is alleged against the accused-applicant that the mother of the accused Ravi Dedha alongwith Lallu Gujjar came to the house of the complainant to talk about sale of the house of complainant and when he refused at that time they had left the house but subsequently accused Loki had telephoned the complainant and asked him to come to the house of Ravi Dedha in order to decide the issue and it is on the call of Loki Gujjar that he went to the house of Ravi Dedha where he was beaten up by accused persons as a result of which he sustained injuries and became unconscious. That mother of the accused Ravi Dedha is alleged to have slapped the complainant. Accused Ravi Dedha is alleged to have caused injury on the head of the injured with the pistol butt. Accused Loki Gujjar is alleged to have a bamboo danda in his hand and accused Ravi Dedha an iron rod and Lallu Gujjar had danda and pistol in another hand and he was beaten up by all the accused the phone of the complainant was broken and his clothes were torn and cash amount of Rs..7800/- was taken away from the pocket of wearing shirt of

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the complainant. That the entire case of the prosecution is a bundle of lies which is clear from the contents of the FIR itself as on the one hand complainant says that he became unconscious and on the other hand he attributed specific role to and weapons in the hands of, the accused-persons. That accused-applicant is not Lohi Gupat whose name finds mentioned in the FIR. However, police officials of PS Wazirabad are visiting the house of the applicant in order to arrest the applicant in the present case. That the FIR got registered by the complainant is a clear after thought and fabrication as complainant did not get himself medically examined and ran away from the police station without making any statement and it is in the police received information of medical examination from Arun Asaf Ali hospital whereupon his statement was recorded and present FIR is registered. That there is unexplained delay of 12 hours in lodging the FIR. That fact of the matter is that the complainant tried to commit rape on the wife of the accused Ravi Dedha and molested her and that PCR call was made by family of Ravi Dedha vide DD No. 29A at PS Wazirabad. That police did not take any action against the complainant on the statement given to the police in respect of the offence committed by the complainant and instead registered the FIR against the accused persons on the statement of the complainant by changing the real story. That subsequently on the complaint of the wife of the accused-applicant Ravi Dedha case under Section 354/54B/506 IPC is registered at PS Wazirabad ie FIR No. 284/2020 against the complainant. That there is no head injury reflected in the M.L.C. That no role has been attributed to the petitioner. That accused-applicant did not cause any injury to the complainant. That complainant was discharged from the hospital on the same date. That offence under Section 394 IPC is not made as ingredients of offence under Section 394 IPC are just not fulfilled. Ld. counsel for the accused-applicant has relied upon decision in

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Shaukat @ Ayaan v. State of NCT of Delhi B. A. No. 1289/2019 decided by Hon'ble High Court on 10.04.2020, State of Madhya Pradesh v. Pradeep Sharma Crl. Appeal No. 2409 of 2013 decided by Hon'ble Supreme Court of India on 06.12.2013; Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav & Anr. Appeal Crl. No. 1129/2004 decided by Hon'ble Supreme Court of India on 18.01.2005 in support of the contention that at worst the case of the prosecution is of commission of offence under section 325 IPC and not 308 IPC which has been added only to ensure that the applicants are arrested and denied any kind of concession in the present false FIR.

Ld. Addl. PP on the other submits that there is no dispute in respect of the identity of the accused-applicant as the prosecution has relied upon one CCTV footage which is of the street in front of the house of the complainant of the same date as that of the incident prior to the incident in which the accused-applicant alongwith co-accused is seen manhandling the complainant. That specific role has been attributed to the accused-applicant armed with danda alongwith co-accused Lallu Gujjar. That on the same day at about 8.30 am accused Parveen @ Lallu and Loki Gujjar stopped the complainant on his way to the office in a gali and manhandled him and threatened him. That accused-applicant is evading his arrest in the present case and process under Section 82 CrPC has been obtained against him returnable on 02.11.2020 and process has already been affixed on the house of the accused-applicant. That custodial interrogation of the accused-applicant is required. That entire conspiracy is to be unearthed and the papers which were signed by the complainant under duress are yet to be recovered. Ld. Addl. PP has relied upon judgment in Lavesh v. State NCT of Delhi Crl. Appeal No. 1961 of 212 decided by Hon'ble Supreme Court of India on 31.08.2012.

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Heard.

As per the allegations contained in the FIR founded on the statement of complainant Nishant Sharma on 22/06/2020 at about 7.30 AM mother of Ravi Dedha along with Lallu Gurjar came to the residence of the complainant and asked him to sell his house, when he refused they returned and on the same date at about 11 AM to 12 Noon, Loki Gurjar called him telephonically and asked him to come to the house of Ravi Gurjar to discuss the matter and when he reached the house of Ravi Kumar, Loki Gurjar, Ravi Dedha, Lallu Gurjar, and one another person armed with pistols and dandas and iron rod were already present. All of them started beating him and had taken his signatures on plain papers and also robbed Rs. 7800/- from him.

As per report filed by IO, Complainant Nishant Sharma was admitted in Aruna Asaf Ali Hospital for treatment vide MLC No. 976/2020 and doctor mentioned alleged history of physical assault by 5 known persons and nature of injury as greivous" & fracture at neck. There are multiple injuries mentioned in MLC. On 01/07/2020 accused Ravi Dedha surrendered before the court. During course of investigation, CDR of the accused Loki Gujjar was obtained which shows that accused Loki Gujjar called the complainant four times before the incident to convince him to come to the house of accused Ravi Dedha. CCTV footage was checked and collected which shows that Co-accused Praveen S/o Lallu Gurjar entered forcefully in the house of complainant at about 7.38 AM on the date of incident i.e on 22/06/2020. On the same day at about 8.30 AM accused Praveen @ Lallu Gurjar & accused Loki Gurjar stopped the complainant on his way to the office in Gali no. 25, Jagatpur and manhandled and threatened him. As the accused-applicant was evading his arrest in the present case, proceedings u/s 82 Cr.P.C were initiated against him and process is



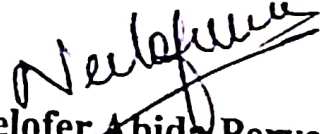
affixed returnable for 2.11.2020.

Ld. counsel for the accused-applicant has disputed his identity contending that he is not the person named in the FIR as Lokesh @ Loki Gujjar, however, prosecution relies upon CCTV footage in respect of the accused-applicant restraining and manhandling the complainant on the street on the way to his office. It is alleged that the present case FIR is an afterthought conceived in malice to escape the cudgels of the process of law as the complainant against whom several FIR's under section 376 IPC are registered infact had entered the house of accused Ravi Dedha and attempted to commit rape on his wife and molested her which is clear from the fact that the first PCR call in respect of the incident is made from the side of the accused persons ie DD. No.29A. IO in pursuance to specific directions in this regard has filed report that besides DD No. 29A there are three PCR calls received at PS Wazirabad in connection with the present incident, out of which there is one PCR call prior to DD No29A and the remaining are subsequent thereto. Who made the first PCR Call in itself is not conclusive proof of the false implication of the accused-applicant. It is also not alleged that the complainant suffered the injuries in the course of the incident when he had visited the house of the accused Ravi Dedha and attempted to commit rape on the wife of the accused Ravi Dedha, which is a separate incident and subject matter of case FIR No. 284/2020. The complainant had made the PCR call immediately following the incident and as per report of the IO, complainant was medically examined initially at Aruna Asaf Ali and for further treatment and surgery he was admitted at BLK Hospital on the same night i.e. 23.06.2020 and is discharged from the hospital on 29.06.2020 with medical advice of bed rest for six weeks.

Taking into consideration that the process under Section 82 CrPC



was affixed on the house of the accused-applicant before the filing of the present application thereby suggesting that accused-applicant had evaded arrest and the accused-applicant does not have clean antecedents and primarily the nature of the accusations as the complainant is alleged to have been called to the house of accused Ravi Dedha where the assault took place by accused-applicant, the manner in which the assault is executed in a pre meditated manner with prior preparation as all the accused were fully armed with danda, iron rod and pistol, as the accused-applicant is alleged to be armed with danda and to have given beatings to the complainant alongwith the co-accused, as the complainant has suffered grievous injuries as per the medical record, as the recovery of weapon of offence is to be effected and the papers got signed under duress are also yet to be recovered, and custodial interrogation of the accused-applicant is sought for by the investigating agency, in my humble opinion it would impede the further progress of investigation in this case if anticipatory bail were to be granted to the accused-applicant. Under such circumstances and upon such considerations therefore the present application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh @ Loki in case FIR No. 240/2020 is dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3369
FIR No. 154/2020
PS: Burari
State Vs. Birender @ Virender
U/s 304/34 IPC

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Surender Kumar Sharma, counsel for accused-applicant
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020.

Ld. counsel for the accused-applicant contended that accused-applicant was granted interim bail vide order dated 20.06.2020 on the ground of illness of his wife. That interim bail of the accused-applicant was extended vide order dated 16.07.2020 and 15.09.2020 up to 31.10.2020.

Heard.

Interim Bail in the first instance was granted to the accused applicant for the treatment of his wife and was extended as per the directions passed by the Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. It emerges that the blanket extensions awarded to the UTP's under the previous orders by the H'ble Full Bench passed in the above said writ petition from time to time were revoked and the interim bails and

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orders were not granted further extensions vide order dated 20.10.2020 and it came to be observed and directed as under on the aspect of further extension of interim bails and orders:

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only

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3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex,

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New Delhi shall surrender on 13th November, 2020.


(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

The above directions particularly pertaining to the schedule of surrender of the UTP's, as contained under the said order of H'ble the Full Bench of H'ble the High Court of Delhi however came to be stayed by H'ble the Supreme Court of India in SLP (CIVIL) No.23367/2020 titled as National Forum of Prison Reforms vs. Government of NCT of Delhi & others on 29.10.2020 till the next date of hearing ie 26.11.2020. Moreover, the directions granting leave to the UTP's to seek extension on the merits of their respective grounds has also been stayed. In the wake of the order dated 29.10.2020 of the H'ble Apex Court therefore there are no directions for extension or otherwise required to be passed by this Court in respect of the UTP's who are on interim bail as extended by virtue of the orders passed by the H'ble Full Bench of H'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors and who all were required to have surrendered in terms of order dated 20.10.2020 passed in the said writ petition as reproduced supra

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as per the schedule, as the said directions stand stayed till 26.11.2020.
Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3337
FIR No. 315/2019
PS: Subzi Mantli
State Vs. Manish Kumar
U/s 406/498A/34 IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. H. N. Pandey, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Manish Kumar in case FIR No.315/2019.

Ld. counsel for the accused-applicant submits that the accused is innocent and has apprehension of his arrest by the police on the false complaint of the complainant. That applicant is ready to join the investigation as and when so directed.

Ld. Addl. PP submits that for the purpose of investigation at this stage, notice under Section 41 A CrPC has been served upon the accused-applicant to join the investigation and that for the purposes of the investigation it would suffice if at this stage the accused-applicant is called upon to join the investigation.

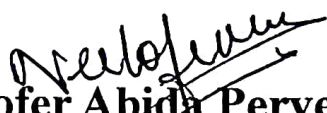
Heard,

Taking into consideration that the allegations pertain to commission of

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offences under section 498A/406 arising out of a matrimonial dispute and as at this stage the investigating agency has served notice in terms of section 41A not finding enough grounds for the immediate arrest of the accused-applicant and in order to advance the further progress of the investigation into the allegations levelled in the FIR in question against the accused-applicant, **interim protection is granted to the accused-applicant Manish Kumar till the next date of hearing with the direction to join the investigation in case FIR No.315/2019 on 07.11.2020, 10.11.2020, 12.11.2020, 18.11.2020 and 20.11.2020 and as and when called upon to do so by the IO.**

For report and consideration, put up on **24.11.2020.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3371
FIR No. 439/2020
PS: Civil Lines
State Vs. Darshna
U/s 33 Delhi Excise Act

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State

Sh.Pranay Abhishek, Counsel for accused-applicant

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

Ld. Counsel for the accused submits that accused-applicant is an aged lady in the age bracket of 51 years and besides the present false case under the Excise Act she has been enroped in another false case under the Excise Act in the year 2020 during the lock down period itself and prior to that she has never ever been involved in any kind of criminal case. That accused-applicant is not a previous convict, is a permanent resident of Delhi with deep roots in the society.

Ld. Addl. PP submits that it is the case of the prosecution that 300 quarter bottles of illicit liquor were recovered on 20.10.2020 at around 7 am by the police in the course of their regular patrolling duty from the area of Manju Ka Tila, out of which 67 quarter bottles are shown to have been recovered from the possession of the accused-applicant. Ld. Addl. PP tacitly concedes that from the contents of the FIR, however, only one packet of 50 bottles can be said to have been received by the accused-

Pranay Abhishek

applicant. It is not disputed that besides the present case, there is one another case under the Excise Act registered against the accused-applicant also in the year 2020 during the lockdown. Ld. Addl. PP further submits that investigation is now complete and no further recoveries are to be effected in the present case.

Heard.


It emerges from the contents of the FIR that the police staff on patrolling duty on 20.10.2020 at around 7 am spotted one scooty bearing no. DL 4SDE 1059 in the area of Majnu Ka Tila. There were 4 packets in black polythene lying on the said scooty, and two boys standing next to the said scooty, who handed over one packet each to two women, both of whom started to run away upon sighting the police party and one of them managed to escape. The said two boys and the accused-applicant however were apprehended at the spot. Each of the packets was found containing 50 quarter bottles of illicit liquor and total 300 quarter bottles of illicit liquor were recovered. Even if the entire accusations are taken on their face value, the accused-applicant is alleged to have been handed over one packet containing 50 quarter bottles of illicit liquor. Investigation is stated to be complete and further custody of the accused-applicant is not claimed for the purposes of investigation.

In such facts and circumstances, application is allowed and regular bail is granted to **the accused-applicant Darshna in case FIR No.439/2020 subject to furnishing personal bond in the sum of Rs.40,000/- with one local surety in the like amount to the satisfaction**



of the Ld. Trial Court/Duty MM and upon the condition that she shall not indulge in criminal activities, she 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, she shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever, She shall not change her address or mobile phone number mentioned in the personal bonds without prior intimation to the IO, She 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
04.11.2020

B. A. No. 3377
FIR No. 370/2020
PS: Timarpur
State Vs. Mohit Kumar
U/s 302/120B IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. Niklesh Kumar, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Mohit Kumar in case FIR No. 370/2020.

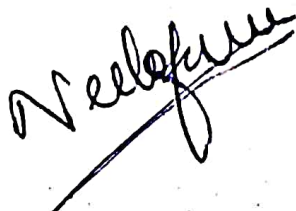
Ld. counsel for the accused-applicant contended that accused-applicant is not specifically named in the FIR. That accused-applicant is innocent and has no connection with the present offence and the only allegation against him is that the co-accused was found in possession of the mobile phone of the accused-applicant, and from the said number he had made calls after the incident to the co-accused. That the co-accused is known to the accused-applicant and the accused-applicant on that day was busy in the marriage arrangements of his sister and when the co-accused had asked for the phone of the accused-applicant to make an urgent call he had handed over the same not knowing of any such intentions of the co-accused.



Ld. Addl. PP for State submits that investigation is at the initial stage, that co-accused Hemant is yet to be arrested. That CDR and CCTV footage of the camera installed near the spot are yet to be collected. On the query of the Court it is clarified that it is not alleged against the accused-applicant that it is the accused-applicant who had fired the gunshot it is also not alleged that he was present at the place of incident, what is to be investigated upon is any possible role of the accused-applicant in the conspiracy to shoot the victim, as the mobile phone of the applicant was found to be used by one of the offender namely Inderjeet @ Rahul and that for the purposes at this stage it would suffice for the progress of the investigation if directions to join investigation are given, to investigate into the circumstances under which the mobile phone of the accused-applicant is recovered from the possession of the co-accused who is the main culprit

Heard.

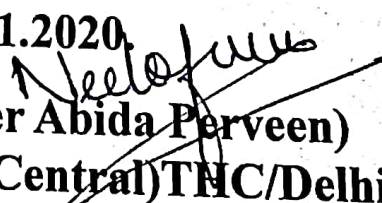
Case of the prosecution is that on 25.10.20 a PCR call regarding "Bullet fire upon a person" was received in PS Timar Pur upon which Police reached at the spot and found that unknown persons had fired upon Virender, who had sustained bullet injury in his head, and had been shifted to Parmanand Hospital. During investigation on the basis of statements of family members of injured and CCTV footage it was found that three persons namely Ravi @ Bangali, Hemant and Inderjeet @ Rahul had fired upon injured Virender. Accused Ravi Bangali and Inderjeet @ Rahul were arrested on 27.10.2020, weapon of offence (Katta) and



M/Cycle were recovered at their instance, Conspirator accused Sahdev (Father of accused Indrajeet @ Rahul) was also arrested in the present case U/s 307/120B IPC. On 28.10.20 the injured Virender died during treatment in Lokpriya Hospital Meerut UP. During investigation it was also found that accused Inderjeet @ Rahul used mobile phone no. (8826295531) of applicant Mohit, after firing upon Virender. Accused Inderjeet called 9 times from 02.16 AM to 03.08 AM on Mobile No. 7042107494, mobile no. of Zakir, who was also found involved in the conspiracy of the case. Applicant Mohit was also examined and his said mobile phone was taken into police possession.

In such facts and circumstances of the case as the accused-applicant is definitely not alleged to be amongst the culprits who had fired at the deceased and presently has come under the radar of suspicion as his mobile phone was used by the co-accused to make phone calls to the co-conspirator after the incident, and taking into consideration the submissions made by Ld. counsel for applicant and as the accused-applicant is not named in the FIR or in any disclosure made by any of the accused in custody involved in the incident, interim protection is granted to the accused-applicant Mohit till the next date of hearing with the direction to join the investigation in case FIR No. 370/2020 on 05.11.2020, 07.11.2020, 11.11.2020, 17.11.2020, 19.11.2020 and 23.11.2020 and as and when called upon to do so by the IO.

For report and consideration, put up on 25.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)TNC/Delhi
04.11.2020

FIR No. 418/2020
PS: Gulabi Bagh
State Vs. Seema
U/s 21/61/85 NDPS Act

04.11.2020

Fresh application received. Be registered.

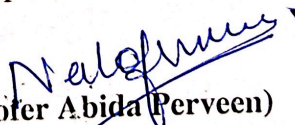
Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)
Sh. B. L. Madhukar, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Seema in case FIR No. 418/2020.

Ld. Addl. PP seeks some time to file reply. Let the same be filed on or before the next date of hearing.

For reply and consideration, put up on **18.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3336

FIR No. 193/2020

PS: Wazirabad

State Vs. Anish Tyagi

U/s 392/34 IPC

04.11.2020

Fresh application received. Be registered.

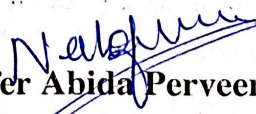
Present: Sh. K.P.Singh, Addl. PP for State.

Sh. P. K. Chaudhary, counsel for accused-applicant

This is third application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Anish Tyagi in case FIR No.193/2020.

Ld. Counsel for accused-applicant submits that by virtue of the last extension granted to the accused-applicant, interim bail granted in terms of judgment passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition No. 1/2020, order/judgment dated 23.03.2020 passed by Hon'ble High Court of Delhi in case titled as Shobha Gupta & Anr. V. UOI and Ors W. P. (C) No. 2945/2020, is going to expire on 09.11.2020.

In view thereof, put up on **09.11.2020** awaiting further orders/direction ^{in re} W. P. (C) No. 3080/2020 titled as, Court on its Own Motion v. Govt. of NCT of Delhi and Ors., and vide order dated 07.04.2020 of Hon'ble High Court of Delhi.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 3023
FIR No. 204/2020
PS: Roop Nagar
State Vs. Tara Chand Talwar
U/s 409/420/467/468/471/34 IPC

&

B. A. No. 3022
FIR No. 204/2020
PS: Roop Nagar
State Vs. Naresh Lal Chaudhary
U/s 409/420/467/468/471/34 IPC

04.11.2020

Present: Sh. K.P.Singh, Addl. PP for State
Counsel for accused-applicant

These are two applications for grant of anticipatory bail on behalf of accused-applicants Tara Chand Talwar and Naresh Lal Chaudhary in case FIR No. 204/2020.

Ld. Proxy counsel submits that Ld. Main counsel Sh. Pradeep Rai is unwell as has been tested positive for covid-19 infection. Ld. Roxy so far as information goes one of the accused Naresh Lal Chaudhary is also tested positive for covid-19 infection and is hospitalized.

Report of the IO is received electronically and hard copy is placed on record. Copy of the reply be forwarded to the Ld. Counsel.

It is submitted that the accused-applicant have not cooperated in the investigation.

Naresh Lal Chaudhary

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Taking into consideration that the ~~the~~ ^{na} Main counsel is stated to be unwell and one of the accused-applicant is also stated to be hospitalized, both on account of covid-19 infection, for consideration, put up on 12.11.2020.

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(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 3023

FIR No. 204/2020

PS: Roop Nagar

State Vs. Tara Chand Talwar

U/s 409/420/467/468/471/34 IPC

&

B. A. No. 3022

FIR No. 204/2020

PS: Roop Nagar

State Vs. Naresh Lal Chaudhary

U/s 409/420/467/468/471/34 IPC

04.11.2020

Present: Sh. K.P.Singh, Addl. PP for State

Counsel for accused-applicant

These are two applications for grant of anticipatory bail on behalf of accused-applicants Tara Chand Talwar and Naresh Lal Chaudhary in case FIR No. 204/2020.

Ld. Proxy counsel submits that Ld. Main counsel Sh. Pradeep Rai is unwell as has been tested positive for covid-19 infection. Ld. Roxy so far as information goes one of the accused Naresh Lal Chaudhary is also tested positive for covid-19 infection and is hospitalized.

Report of the IO is received electronically and hard copy is placed on record. Copy of the reply be forwarded to the Ld. Counsel.

It is submitted that the accused-applicant have not cooperated in the investigation.

Neelgurus

Taking into consideration that the ^{ad}ld. Main counsel is stated to be unwell and one of the accused-applicant is also stated to be hospitalized, both on account of covid-19 infection, for consideration, put up on 12.11.2020.

Neelofar
(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3355

FIR No. 348/2020

PS: Burari

State Vs. Mohd. Hasan @ Sameer

U/s 376/506/34 IPC

04.11.2020

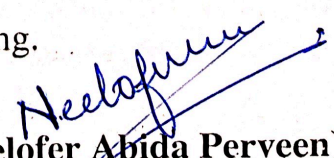
Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Rahul Rajpal, counsel 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-applicant Mohd. Hasan @ Sameer in case FIR No.348/2020.

Reply of the IO is received electronically. Hard copy be placed alongwith the file. Copy of the reply be forwarded to the Ld. Counsel for the accused-applicant. It emerges that the FIR pertains to commission of offence under Section 376 IPC in view thereof notice in the application be issued to the prosecutrix through the IO.

For consideration, put up on **17.11.2020**, as per request of Ld. Counsel for the accused for physical hearing.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

B. A. No. 2951

FIR No. 0028/2020

PS: Timarpur

State Vs. Nadeem

U/s 394/397/411/34 IPC

04.11.2020

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


Sh. Rajesh Mittal , Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Nadeem in case FIR No.0028/2020.

Arguments heard.

For orders, put up on **06.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.11.2020

FIR No. 179/2019

PS: Wazirabad

State Vs. Manish @ Dabbu

U/s 304B/468A/34 IPC

04.11.2020

Fresh application received. Be registered.

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

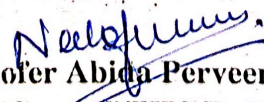
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail 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 medical documents annexed with the application shows that the mother of the accused-applicant, for treatment is to be admitted in hospital on 12th of November, 2020 for surgery to be performed on 13.11.2020.

Let medical record annexed with the application be verified alongwith the family status of the accused-applicant.

For report and consideration, put up on **11.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.11.2020

B. A. No. 3357

FIR No. Not Known

PS: Gulabi Bagh

State Vs. Rohit Kumar

U/s Not known

04.11.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Ajay Goel, counsel for accused-applicant (through video conferencing)
Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Rohit Kumar.

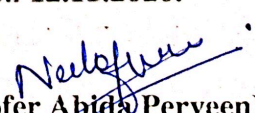
Reply is filed.

Ld. Addl. PP submits that FIR No. 128/2019 dated 30.10.2020 at PS Gulabi Bagh has been registered against the accused-applicant and subsequently after obtaining the opinion on the MLC of the injured, offence under Section 308 IPC has been added.

Ld. Counsel for accused-applicant submits that he is not aware of any such FIR registered against the accused-applicant.

Let copy of reply be forwarded to the ld. Counsel for accused-applicant.

For further consideration, put up on 12.11.2020.


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

04.11.2020

B. A. No. 3370

FIR No. 278/2020

PS: Burari

State Vs. Rahul

U/s 304B/498A/306 IPC

04.11.2020

Fresh application received. Be registered.

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

Sh. Vivek Sharma, counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rahul in case FIR No.278/2020.

Reply is filed.

Ld. Counsel for the accused-applicant submits that he has not received copy of reply. Copy of reply be forwarded to Ld. Counsel for accused-applicant.

For further consideration, put up on **18.11.2020**.


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

04.11.2020

FIR No. 327/2018
PS: Prasad Nagar
State Vs. Ramesh
U/s 307 IPC

04.11.2020

Fresh application received. Be registered.

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

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail/interim bail on behalf of accused Ramesh in case FIR No. 327/2018.

Reply is filed.

Ld. Counsel for the accused-applicant contended that accused-applicant was granted interim bail vide order dated 08.06.2020 under the guidelines of High Powered Committee of Hon'ble High Court of Delhi, which was further extended vide order dated 21.07.2020 and lastly vide order dated 29.10.2020, the interim bail of the accused-applicant was extended till 04.11.2020 and that in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 21.08.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in

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Delhi which was subsequently extended on 9.9.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised"

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts

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shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(j) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....
Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would

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be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPS/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these relevant factor i.e.:

- (a) Actual holding capacity of Delhi Prison,
- (b) Present occupancy,
- (c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and
- (d) Period of of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

.....
In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPS about extension of their "interim bail" for a further

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period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

.....
Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and direction of the Hon'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 07.11.2020 on the same terms and conditions.

Neelofar
(Neelofar Abida Perveen)

ASJ (Central)THC/Delhi

04.11.2020

B. A. No. 3350

FIR No. 154/2020

PS: Burari

State Vs. Birender @ Virender

U/s 304/34 IPC

04.11.2020

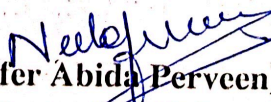
Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. S. K. Sharma, counsel for accused-applicant

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020.

When it is brought to the notice of Ld. Counsel for accused-applicant that another application for extension of interim bail on behalf of accused-applicant has already been taken up for hearing today which has been filed through Sh. R. A. Khan, Advocate, Ld. Counsel submits that he does not wish to press upon the present bail application and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Birender @ Virender in case FIR No.154/2020 is dismissed as withdrawn.


(Neelofer Abida Perveen)

ASJ (Central) THC/Delhi

04.11.2020