

State Vs. Naresh Kumar.

FIR No. 144/2020

PS : Civil Lines.

U/s : 392/34 IPC.

Present: Sh. Shailender Yadav, Ld. APP for the State through Video Conferencing using Cisco Webex.
Sh. Akshay Sharma, Ld. LAC through Video Conferencing using Cisco Webex.
IO ASI Suresh Kumar in person.

Vide this Order, I shall dispose off the **bail application** filed on behalf of the accused Naresh Kumar.

1. Ld. Counsel for the accused has contended that accused was arrested on 8.3.2020 and has already spent more than **15 days** in judicial custody.
2. Per contra, Ld. APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID-19***, wherein, in order to decongest prisons, the Hon'ble Supreme Court ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta & Ors. Vs. Union of India & Ors. W.P. (C) No. 2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", the criteria adopted were:-
 - a. Under trial prisoner is the first time offender;

- b. Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
 - c. Case is triable by Magistrate and
 - d. Under trial prisoner is in custody for last 3 months or more;
 - e. Under Trial Prisoner undergoing Civil Imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble Supreme Court, issued directions, contained in Minutes of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a. Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - b. Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - c. Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less;
7. Vide the above Minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not

be considered:

- a. All inmates who are undergoing trial for intermediary/large quantity recovery under NDPS Act;
 - b. Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c. Those under trial prisoners who are facing trial for offences under Section 376, 376A, 376B, 376D and 376E and Acid Attack;
 - d. Those UTPs who are foreign national ; and
 - e. Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act)/ PMLA ; and
 - f. Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a. Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case**;
 - b. Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case**;
 - c. Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case**;

- d. Under trial prisoners (UTPs) facing trial/remand prisoners **in Theft cases** and are in jail for **more than 15 days**;
 - e. **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
 - f. **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
9. It has been submitted by Ld. Counsel for the accused that the accused was arrested on **8.3.2020**, and has spent more than **15 days** in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
10. As per report of IO, there is no previous involvement of accused, he is first time offender and the chargesheet has already been filed in the concerned court. As such, the accused had been running in JC since 8.3.2020. Thus, taking a lenient view and seeing the totality of facts and circumstances of the present case, no further purpose would be served by keeping the accused in further custody.
11. Also the accused fulfils the criteria laid down above and hence he is hereby released on regular bail on personal bond for the sum of Rs. 5000/- to be satisfaction of the Jail Superintendent.
12. This order shall be treated as a Release Warrant, Ahlmad is

directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the ***Hon'ble High Court of Delhi in Ajay Verma Vs. Govt. of NCT of Delhi W.P. 10689/17 dated 08.02.2018.***

13. Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**SHEFALI
SHARMA**

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(Shefali Sharma) ACMM
Duty MM(Central)/THC/Delhi
10.6.2020

State Vs. Naeem @ Babla
e-FIR No. 038828/18
PS : Timarpur
U/s 379/411/482/34 IPC

10.06.2020

Present: Sh. Shalender Yadav, Ld. APP for the State through Video Conferencing using Cisco Webex.
Sh. Omkar Sharma, Ld. Counsel for accused through Video Conferencing using Cisco Webex.
IO/ASI Deepram in person.

Vide this Order, I shall dispose off the **Bail** application filed on behalf of the accused Naeem @ Babla.

1. Ld. Counsel for the accused has contended that accused was arrested on 03.08.2019 and has already spent more than **15 days** in judicial custody.
2. Per contra, Ld. APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID-19***, wherein, in order to decongest prisons, the Hon'ble Supreme Court ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta & Ors. Vs. Union of India & Ors. W.P.(C) No. 2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", the criteria

adopted were:-

- a. Under trial prisoner is the first time offender;
 - b. Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
 - c. Case is triable by Magistrate and
 - d. Under trial prisoner is in custody for last 3 months or more;
 - e. Under Trial Prisoner undergoing Civil Imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble Supreme Court, issued a slew of directions, contained in Minutes of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a. Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - b. Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - c. Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less;
7. Vide the above minutes, it was also decided that the following

categories of inmates, even if falling in the above criteria, should not be considered:

- a. All inmates who are undergoing trial for intermediary/large quantity recovery under NDPS Act;
 - b. Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c. Those under trial prisoners who are facing trial for offences under Section 376, 376A, 376B, 376D and 376E and Acid Attack;
 - d. Those UTPs who are foreign national ; and
 - e. Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act)/ PMLA ; and
 - f. Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated 18.05.2020, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a. Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case**;
 - b. Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case**;
 - c. Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case**;

- d. Under trial prisoners (UTPs) facing trial/remand prisoners **in Theft cases** and are in jail for **more than 15 days**;
 - e. **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
 - f. **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
9. As per report of the IO, accused is already **running in J/C at Meerut Jail in another FIR bearing No. 265/19 U/s 411 IPC of PS Ganga Nagar**. However, in the present case accused had been formally arrested in the instant e-FIR bearing No. 038828/18 PS Timarpur on 03.08.2019 and the investigation is already complete and chargesheet u/s 411/482 IPC has already been filed before the concerned court on 30.09.2019.
10. It has been submitted by Ld. Counsel for the accused that accused was arrested on 03.08.2019, and has spent more than **15 days** in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
11. Since the accused fulfills the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to be satisfaction of the Jail Superintendent.
12. This order shall be treated as a Release Warrant, Ahlmad is directed to make requisite entry in the Bail Register maintained by him in

compliance of directions issued by the ***Hon'ble High Court of Delhi in Ajay Verma Vs. Govt. of NCT of Delhi W.P. 10689/17 dated 08.02.2018.***

13. Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

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(Shefali Sharma) ACMM
Duty MM (Central)/THC/Delhi
10.06.2020

State Vs. Manish Kumar
FIR No. 215/2020
PS : Burari
U/s 356/379/34 IPC

10.06.2020

This is an interim bail application moved on behalf of applicant / accused Manish Kumar.

Present: Sh. Shelender Yadav, Ld. APP for the State through Video Conferencing using Cisco Webex.
Sh. Hemant Gulati, Ld. Counsel for accused.

Report of the IO has been filed.

Vide this Order, I shall dispose off the **Interim Bail** application filed on behalf of the accused Manish Kumar.

1. Ld. Counsel for the accused has contended that accused was arrested on 17.05.2020 and has already spent more than **15 days** in judicial custody.
2. Per contra, Ld. APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID-19***, wherein, in order to decongest prisons, the Hon'ble Supreme Court ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta & Ors. Vs. Union of India & Ors. W.P.(C) No. 2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", the criteria adopted were:-

- a. Under trial prisoner is the first time offender;
 - b. Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
 - c. Case is triable by Magistrate and
 - d. Under trial prisoner is in custody for last 3 months or more;
 - e. Under Trial Prisoner undergoing Civil Imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble Supreme Court, issued a slew of directions, contained in Minutes of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a. Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - b. Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - c. Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less;
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:

- a. All inmates who are undergoing trial for intermediary/large quantity recovery under NDPS Act;
 - b. Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c. Those under trial prisoners who are facing trial for offences under Section 376, 376A, 376B, 376D and 376E and Acid Attack;
 - d. Those UTPs who are foreign national ; and
 - e. Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act)/ PMLA ; and
 - f. Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated 18.05.2020, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a. Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case**;
 - b. Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case**;
 - c. Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case**;
 - d. Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days**;

- e. **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
- f. **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
9. It has been submitted by Ld. Counsel for the accused that the accused was arrested on **17.05.2020**, and has spent more than **15 days** in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above as also that he is a 20 year old and has no criminal antecedent and that he has been falsely implicated in the present case.
10. Since the accused fulfills the criteria laid down above, he is hereby released on interim bail of 45 days as per law on personal bond for the sum of Rs. 5000/- to be satisfaction of the Jail Superintendent.
11. This order shall be treated as a Release Warrant, Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the ***Hon'ble High Court of Delhi in Ajay Verma Vs. Govt. of NCT of Delhi W.P. 10689/17 dated 08.02.2018.***
12. Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

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(Shefali Sharma) ACMM
Duty MM (Central)/THC/Delhi
10.06.2020

State Vs. Azad
e-FIR No. 011714/20
PS : Gulabi Bagh
U/s 379/411 IPC

**This is bail application u/s 437 Cr.P.C on behalf of accused Azad Bagira
S/o Sh. Udai Vir .**

Present : Ld APP for the State.
Sh. R.K Sharma , Id counsel for accused/ applicant.

Report of the IO filed. Perused.

At request of the Id counsel, the application is adjourned for

15.6.2020 at 12:30am.

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(Shefali Sharma)
Duty MM(Central)/THC/Delhi
10.6.2020

State Vs. Aamil S/o Sh. Alluddhin.
FIR No. 228/20
PS : Kotwali
U/s 379/356 IPC

Present : Ld APP for the State.
Sh. R. Kumar, Id counsel for accused/ applicant.

Report of the IO filed. Perused.

Partly heard.

At request of the Id counsel, the application is adjourned for

12.6.2020 at 12:30am.

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(Shefali Sharma)
Duty MM(Central)/THC/Delhi
10.6.2020

State Vs. Durgesh
FIR No. 212/20
PS : Wazirabad
U/s 336/120- B /34 iPC
and 25 /27 Arms Act.

Present : Ld APP for the State.
Sh. Prem Chand, brother of accused.
Sh. Ajesh Kumar Sharma, Id counsel for accused/ applicant.

Report of the IO filed. Perused.

Part arguments heard.

At this stage, Id counsel for accused seeks to withdraw the bail application . A separate statement of Id counsel of accused has been recorded in the presence of the brother of accused. **In view thereof, the present bail application is dismissed as withdrawn.**

Application stands disposed of accordingly.

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(Shefali Sharma) ACMM
Duty MM(Central)/THC/Delhi
10.6.2020