

**FIR No. 302/2018**  
**PS: Pahar Ganj**  
**State Vs. Dharam Singh @ Vicky**  
**U/s 302 IPC**

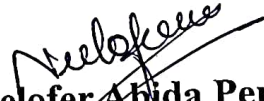
07.11.2020

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

Hearing conducted through Video Conferencing.

This is an application seeking grant of interim bail of 30 days on behalf of accused-applicant Dharam Singh @ Vicky in case FIR No. 302/2018 on the ground of his illness.

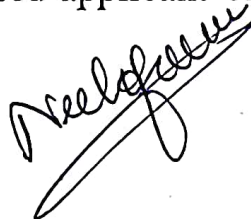
Arguments heard. For orders, put up at 4 pm.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
07.11.2020

**At pm**  
**ORDER**

This is an application seeking grant of interim bail of 30 days on behalf of accused-applicant Dharam Singh @ Vicky in case FIR No. 302/2018 on the ground of his illness.

Ld. counsel for the accused-applicant submits that the accused-applicant is suffering from serious piles and has not been receiving proper treatment in jail for his ailments. That interim bail is being sought so that accused-applicant can get himself treated from any



private hospital of his choice.

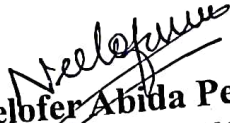
Heard.

Report was called from the Superintendent Jail in respect of the medical health condition of the accused-applicant. As per report received, On 20.08.2019, 16.09.2019, 07.11.2019, 17.11.2019, 17.02.2020, 19.05.2020 and 23.09.2020, the accused-applicant visited jail dispensary with complaints of fever, cough, headache and constipation. He was reviewed by doctor on duty and was provided necessary treatment. On 27.10.2020, the inmate came to jail dispensary with complaints of retrosternal chest pain, constipation and pain and bleeding per rectum during defecation. He was reviewed by Senior Resident Medicine and was provided treatment accordingly. On 02.11.2020, the inmate was reviewed by Medical Officer wherein he gave complaints of constipation and pain and bleeding per rectum during defecation. He was provided symptomatic treatment and was advised to take high fibre diet and sitz bath.

The accused-applicant it emerges is suffering from bleeding piles however adequate treatment, prescribed medicines for the condition are being provided to him in custody. It is not found in the report that the Senior resident medicine while reviewing the health condition had advised any manner of surgical intervention for the same. No ground therefore is made out for grant of interim bail on the diagnosis as proper treatment is being provided. The present application is therefore dismissed however with the directions to the Jail Superintendent concerned that as per medical advice special high fibre diet is made available to the accused-applicant in

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custody for amelioration of the health condition of the accused-applicant.  
The application stands disposed accordingly.

  
(Neelbfer Abida Perveen)  
ASJ (Central) THC/Delhi  
07.11.2020

**FIR No.39/2019**  
**PS: Crime Branch**  
**State Vs. Nihaluddin**

07.11.2020

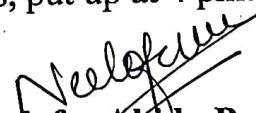
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. S.Chakroborty, 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-applicant Nihaluddin in case FIR No. 39/2019.

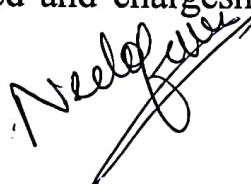
Arguments heard. For orders, put up at 4 pm.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
07.11.2020

**At 4 pm**  
**ORDER**

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Nihaluddin in case FIR No. 39/2019.

Ld. counsel for the accused-applicant has contended that wife of the accused-applicant is suffering from FNA from back side swelling suggestive of sebaceous cyst and has been advised surgery. That investigation is completed and chargesheet has already been filed. That



accused-applicant belongs to poor strata of society and has clean antecedents.


Ld. Addl. PP for State submitted that present case pertains to recovery of 300 grams of heroin. That medical documents pertaining to the wife of the accused now stand verified. The wife of the accused-applicant is to be operated upon on 18.11.2020 for a cyst along the backbone area and that family status has also been verified and family of accused-applicant consists of his wife and three minor children who are living in a rented accommodation in Delhi.

Heard.

The case pertains to recovery of 300gms of Heroin in pursuance to a secret information. It has been verified that the wife of the accused-applicant is to be operated upon on 18.11.2020 for a sebaceous cyst at Safdarjung Hospital. It has also been verified that she is living with her three minor children and it is her neighbour who is taking her to the hospital. Interim bail may be granted to meet cases of exceptional hardships under extraordinary circumstances where the personal presence of the accused would be absolutely indispensable. The surgery as such is not a major surgery or life threatening in any manner however it would require postoperative management and assistance in daily affairs for a few days. Under such circumstances and taking into consideration that the accused-applicant has clean antecedents and the compliance/non compliance of the mandatory procedural safeguards in the present case that pertains to recovery of commercial quantity of contraband on the basis of

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secret information received would be a matter of trial, and as the medical record and family status stands verified, Accused Nihaluddin in case FIR No. 39/2019 is granted five days interim bail for the purposes of surgery of his wife with effect from 17.11.2020 upon his furnishing personal bond with one surety in the sum of Rs. 50,000/- each and subject to the condition that he shall mention the mobile phone number to be used by him in the bond which mobile phone number shall be kept on switched on mode with location activated and shared with the IO at all times, he shall not leave the territorial limits of NCT Delhi without prior permission of the Court, he shall not change the said mobile phone number nor his verified address during this period. He shall surrender after five days in the jail. Application is disposed of accordingly.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
07.11.2020

**FIR No. 605/2017**  
**PS NDRS**  
**State v. Sunil Bihari**  
**U/s 302/120B/201/34 IPC**

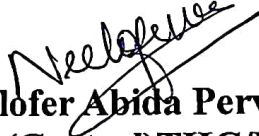
07.11.2020

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

Hearing conducted through Video Conferencing.

This is second application under Section 439 CrPC for grant of interim bail of 45 days moved on behalf of accused-applicant Sunil Bihari in case FIR No. 605/2017.

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

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
07.11.2020

**At 4 pm**  
**ORDER**

This is second application under Section 439 CrPC for grant of interim bail of 45 days moved on behalf of accused-applicant Sunil Bihari in case FIR No. 605/2017.

Ld. counsel for the accused-applicant submits that the accused-applicant is in JC since 08.05.2018. That accused-applicant is innocent and has been falsely implicated in the present case. That mother of the accused-applicant is paralytic patient besides various old age ailments. That he is the sole bread earner for his family and there is no other family member capable of looking after his ailing mother.



Ld. Addl. PP submits that accused-applicant does not have clean antecedents and has involvement in 15 other criminal cases besides the present one, as per reply of the IO. That accused-applicant is a habitual offender and is permanent resident of Bihar. That medical documents were got verified by the IO. As report of the IO, name of the father of accused on medical documents is mentioned as Nityanand Prasad whereas as per dossier, name of the father of the accused-applicant is Naveen Prasad Sinha and that address is also different in both the documents though the name of the mother of the accused-applicant as the patient receiving treatment is correct. That as per report of the doctor, mother of the accused is suffering from diabetes and kidney disease and is receiving treatment as an OPD patient and no hospitalization or surgery has been advised. That the father and two brothers of the accused-applicant can also take care of the mother. That accused Sunil Bihari was declared proclaimed offender in this case on 14.9.2017.

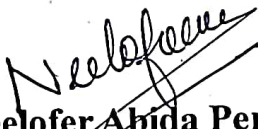
Heard.

Interim bail is being sought on the ground of illness of mother as the mother of the accused-applicant is stated to be paralytic and requiring medical treatment for the same. The medical record pertaining to the mother as annexed is verified and it is found that the name of the father in the medical record is different from that as found in the dossier, the address of Bihar is also different from as available on the record and as mentioned in the medical documents. Moreover there is no mention in the medical record that the patient is paralytic. The mother of the accused-applicant as per the medical documents is a diabetic and is receiving treatment for the same as well as kidney disease as an OPD patient not IPD, no hospitalization/surgery is advised. Further the accused-applicant is not the only member of the family capable of taking care of

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the mother as the father and two brothers of the accused-applicant are capable enough. The case pertains to murder committed in the most gruesome manner, the accused-applicant is a previous convict and remained a proclaimed offender before his apprehension after one year, there is no such exceptional exigency reflected in the medical record and from the family status duly verified that would warrant the personal presence of the accused-applicant as absolutely necessary and indispensable. No ground is made out to grant interim bail to the accused-applicant under such circumstances. The present application is accordingly dismissed.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
07.11.2020

**B. A. No. 1789**

**FIR No. 25/2020**

**PS: Bara Hindu Rao**

**State Vs. Salim @ Namir @ Namiruddin**

**U/s 435/436/506/34 IPC**

07.11.2020

Fresh application received. Be registered.


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

Sh. Ayub Ahmed Qureshi, 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 Salim@ Namir @ Namiruddin in case FIR No.25/2020.

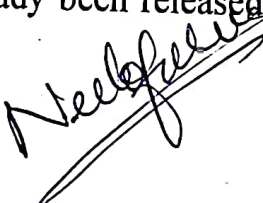
Arguments heard. For orders, put up at 4 pm.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
07.11.2020

**At 4 pm  
ORDER**

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Salim @ Namir @ Namiruddin in case FIR No.25/2020.

Ld. counsel for the accused-applicant has contended that the co-accused Salman has already been released on regular bail on 02.11.2020. That



the parity is being sought on the ground that the case of the accused-applicant is on the similar footing as that of co-accused Salman. That accused-applicant is in JC since 10.03.2020. That accused-applicant is not involved in any criminal case previously. That accused-applicant is arrested from his house by the police and has been falsely implicated in the present case. That nothing incriminating has been recovered from the possession of the accused.


Ld. Addl. PP for State submits that accused-applicant is identified by the eye witnesses. That from the statements of the eye witnesses and the photographs of the place of incident it does not appear that any dwelling place has been set on fire or attempted to be set on fire and that it is the vehicles parked on the street that are set on fire. It is submitted that the case of the accused-applicant is on similar footing as that of co-accused Salman.

Heard.

Present case is registered on the statement of complainant Salman that on 09.03.2020 at about 12.30 am he parked his scooty no. DL8SCL9717 under his house in gali, however, in the morning of 09.03.2020 at about 6.30 am, he found his scooty burnt alongwith four other two wheelers. The accused-applicant is not named in the FIR as the person who set the vehicles on fire, and is subsequently apprehended on the statements recorded of eye witnesses who saw him pour petrol on the scooty of the complainant to set it on fire and the other vehicles caught fire as the same were also parked on the street alongwith the scooty of the complainant. The further custody of the accused-applicant is not required for the purposes of investigation, the case of the accused-applicant is on the similar footing as that of co-accused Salman, who has been granted bail. Taking into consideration the nature of the accusations and as it would remain for the Ld. Trial Court to assess if there is any material for the

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commission of offence punishable under section 436 IPC, the only non bailable offence added to the FIR, and as it is the vehicle of the complainant parked in the street alongside his house and not inside his house that is allegedly set on fire by the accused applicant, and also the period of incarceration, and as the co-accused has already been granted regular bail and the case of the accused-applicant is on same footing, the present application is allowed and regular bail is granted to accused Salim @ Namir @ Namiruddin, in case FIR No. 25/2020, upon his furnishing personal bond with one surety in the sum of Rs. 20,000/-, each to the satisfaction of the Ld. Trial Court and subject to the condition that he shall scrupulously appear on each and every date hearing before the Ld. Trial Court and shall not delay, defeat or interfere with the trial in any manner whatsoever, that he shall not threaten intimidate or influence witnesses nor tamper with the evidence in any other manner, that he shall not change his address or mobile phone to be mentioned in the bond without prior intimation to the IO, the surety shall also intimate the IO in the event of change of address or mobile phone number as mentioned in the bond. The application is disposed of accordingly.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
07.11.2020