

27.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.

Sh. Yogesh Kumar Gahlot, Ld. Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. The present FIR No. 157/20 U/s 394/34 IPC has been registered at PS Nabi Karim against the applicant/accused on the basis of complaint of one Sarfraz stating therein that when on 15.05.2020 at about 8 a.m., he was going to R.M.L. Hospital by foot, two boys aged about 20 to 25 years came and surrounded him and thereafter, one boy attacked him by a knife on thigh and other boy took out his mobile phone from his pocket and fled away from there. Some unknown person called Ambulance and thereafter, Ambulance took him to LHMC Hospital. The complainant stated to the Police that he could recognize those two boys if shown to him.
3. During the course of investigation, complainant was shown the listed criminal dossier from which the complainant identified the accused Jumman aged about 20 years and thereafter on 27.05.2020, applicant/accused Jumman was arrested. In his disclosure statement, applicant/accused stated that on 15.05.2020, he alongwith his associate Rahul attacked the complainant with knife and he took out a mobile phone from his pocket and fled away. He disclosed that mobile phone and knife are with accused Rahul. Thereafter on 19.06.2020, other co-accused Rahul was arrested and he disclosed that the said mobile phone of the complainant has been sold by him to one unknown person

and knife was thrown by him in dustbin.

4. Accused Jumman has stated in the bail application that he has been languishing in jail since 27.05.2020 ; that there is no incriminating material connecting him with the alleged offences ; that no recovery has been made in the present case ; that wife of applicant/accused is suffering from illness and applicant/accused is sole bread earner of his family. The investigation in the present case has been completed and chargesheet has been filed. There is no apprehension of applicant/accused absconding or tampering with prosecution evidence. Therefore, applicant may be released on bail.

5. Reply has been filed by IO. Copy of the same has been supplied to Ld. Counsel for applicant through electronic mode.

6. In reply, IO has submitted inter alia that offences committed by applicant/accused is heinous ; his earlier bail application has been dismissed on 10.07.2020 ; no document has been filed by applicant/accused regarding the alleged illness of his wife and that applicant/accused is involved in 05 more case.

7. Ld. Addl. PP for State has also opposed the bail by adopting the submission of IO and further submitting that there is no change in circumstances since the dismissal of his previous bail application on 10.07.2020.

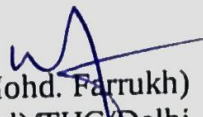
8. I have heard the arguments and perused the record.

9. Applicant/accused in the present case has been identified by the complainant who was inflicted knife injury by the applicant/accused and his associate leading to his hospitalization. The first bail application of applicant/accused has been recently dismissed by Ld. ASJ, Central, Tis Hazari Courts, Delhi on 10.07.2020 by a detailed order and since then there is no

FIR No. 157/20
PS : Nabi Karim
State Vs. Jumman

change in the circumstances warranting filing of present bail application. Applicant/accused is involved in 05 more cases as disclosed by IO in his reply and the same has not been controverted by Ld. Counsel for applicant/accused.

10. Having considered the aforesaid facts and circumstances, I am not inclined to grant bail to applicant/accused at this stage, hence, without commenting on merits of the case, bail application is dismissed. Copy of this order be sent to Ld. Counsel for applicant/accused and IO through electronic mode for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

Bail application no.1841/2020
FIR No.302/20
P.S.Kotwali
State v. Raman

28.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Mr. Anwar Ahmad , Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

No reply has been filed by the IO. IO/SHO is directed to file reply by the next date of hearing.

List on 04.08.2020 for arguments on bail application.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
28.07.2020

FIR No.219/20
P.S.Chandni Manal
u/sec.313/376/377/34 IPC
State v. Isha Malik

28.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Mr.S.A.Rajput , Ld. Counsel for accused/applicant.

Mr.Vinay Modi , Ld. Counsel for complainant with complainant

In person.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

This is an application filed by the applicant/accused u/sec. 438 Cr.P.C. seeking anticipatory bail.


Brief facts necessary for the disposal of the aforesaid application are that the complainant/prosecutrix has filed a complaint with the police alleging that she developed intimacy with the applicant/accused who used to live in her neighbourhood and in the absence of his family members used to call her to his house. It is stated that in December 2015, applicant/accused had unnatural sex with her and thereafter he proposed her for marriage. It is stated that she accepted her



proposal and got married with the applicant/accused. Complainant/prosecutrix stated that she conceived, however applicant/accused asked her to abort the pregnancy due to her being under the age of 18 years. She further stated that accused called her in a hotel in 2017 for performing *Nikah* and after solemnization of *Nikah*, applicant/accused had taken her to Nanital, however, applicant/accused never taken her to his house.

It is stated that when the complainant/prosecutrix had talked with mother of applicant/accused, she stated that she would take complainant to her house, however it never happened. It is stated by the complainant/prosecutrix that she again became pregnant and at that time she was not willing to get her pregnancy terminated and applicant/accused had again performed *Nikah* on 18.08.2019.

It is stated that on 23.08.2019, parents and brother of the applicant/accused visited her residence and all of them gave her beatings due to which she became unconscious. It is stated that she was taken to hospital and when she regained consciousness, applicant/accused told her that her pregnancy has been terminated. It is further stated that applicant/accused had again performed marriage in the court and after two months, he left Delhi. It is stated that she subsequently came to know that the applicant/accused is going to perform second marriage and the same was



stopped by her on 23.06.2020. On the basis of aforesaid, present FIR u/s 313/376/377/34 IPC has been registered.

In the present bail application, it is stated that applicant/accused and complainant/prosecutrix had been in relationship since the year 2015. It is stated that the version of the complainant/prosecutrix regarding solemnization of her marriage with the applicant/accused two times in the year 2017 and 2019 is admitted and copy of the Nikahnama has been annexed alongwith application. It is contended that the version of the complainant/prosecutrix, that the parents and brother of applicant/accused gave beatings to her on 23.08.2019 is false as brother of the applicant/accused had gone out of country on 16.07.2019 to 31.08.2019. In support of the said submission, passport and air-tickets have been annexed with the bail application.

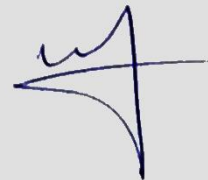
It is further stated that the abortion/termination of pregnancy of complainant/prosecutrix was with her consent. Copy of the medical documents dated 18.08.2019 and 23.08.2019 issued by Parivar Sewa Clinic have been annexed. It is further stated that the applicant/accused had already sent intimation/complaint dated 01.06.2020 to the DCP regarding blackmailing of the complainant/prosecutrix. Copy of the same has been annexed.



It is stated that the applicant/accused and complainant/prosecutrix had been living in relationship for last many years after solemnization of their marriage and the family members of the applicant/accused were not aware of the same. It is stated that when the family members of the applicant/accused were performing ring ceremony of the applicant/accused with another girl, the present complaint/FIR has been lodged by the complainant/prosecutrix against the applicant/accused and his family members.

It is further stated that the applicant/accused is innocent and has not committed any offence and he is ready and willing to join the investigation.

Reply to the bail application has been filed by the IO stating that even a complaint leveling allegations against the complainant/prosecutrix is filed. It is stated that marriage certificate of the applicant/accused has been verified and the same was found genuine. It is further stated that statement of Moulana/ Kazi has been recorded in this regard. It is further stated that medical documents from Pariwar Sewa Clinic relied upon by the applicant/accused has been verified and found to be genuine and correct. It is stated that doctor has given his statement that the complainant/prosecutrix gave her consent for the procedure of termination of her pregnancy by signing the consent form and applicant/accused had signed the same as her husband.



Ld. Addl. PP for State has opposed the bail application.

I have heard the Id. Counsel for the applicant/accused and the Ld. Addl. PP for State and perused the record.

The complainant/prosecutrix was having relationship with the applicant/accused with her consent and she also got married with the applicant/accused. Termination of pregnancy had also been done with her consent as found from the verification of the documents. IO in his reply has specifically stated that the day on which accused/applicant was going to perform another Nikah with another girl, the complainant/prosecutrix made a PCR call vide DD No. 50A in PS Sarai Rohilla, North Distt. "*main married hu, aur mere husband dusri shadi karne ja rahe hai*" and the said Nikah was stopped. The dispute between the applicant/accused and complainant appears to be a matrimonial dispute as the applicant/accused was going to marry with another girl, leading to registration of present FIR by the complainant/prosecutrix.


In view of the aforesaid facts and circumstances without commenting on merits of the case, SHO/IO is directed not to take any coercive steps against the applicant/accused and in the event of arrest, applicant/accused be released on



anticipatory bail in the sum of Rs. 20,000/- with one surety of the like amount with the following conditions:-

- (1) Applicant/accused is directed to join the investigation as and when called by the IO/SHO.
- (2) Applicant/accused is directed not to contact with the complainant and victim.
- (3) Applicant/accused is directed not to hamper the investigation.

Copy of this order be sent to the IO/SHO and counsel for the accused/applicant through e-mail.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
28.07.2020

FIR No. 172/2020
P.S.D.B.G.Road
State v. Gaurav (@ Binnsy)

28.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.

Ms. Neha Sharma, Ld. Counsel for DCW.

Mr. Manu Sisodiya, Ld. Counsel for accused/applicant.

(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

Reply has been filed by the IO to the bail application. Copy of the same has been supplied to the Ld. Counsel for the complainant electronically.

Ld. Counsel for accused/applicant submits that the matter was listed today before Hon'ble High Court of Delhi for quashing of present FIR and seeks time to file the order on record.

At his request, matter is adjourned for 31.07.2020.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS, DELHI
28.07.2020

Bail application no.1852/2020
FIR No.161/20
P.S.Paharganj
State v. Sonu

28.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.
Ms. Neha Sharma, Ld. Counsel for DCW.
Mr.S.P.Sharma , Ld. Counsel for accused/applicant.
(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

This is an application u/s 438 Cr.P.C. filed by the applicant/accused seeking anticipatory bail.


Reply has been filed by the IO to the bail application. Copy of the same has been supplied to the Id. Counsel for the complainant electronically.

Perusal of the reply shows that the IO has stated that there is no need to continue investigation in the present case and the investigation has been closed and no accused person is wanted in this case.

In view of the aforesaid submissions, there is no apprehension to the accused for being arrest.

In view of the aforesaid, Ld. Counsel for the applicant/accused wishes to withdraw his bail application.

Accordingly, present bail application is dismissed as withdrawn.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
28.07.2020

Bail application no.1837/2020

FIR No.161/20

P.S.Paharganj

State v. Sonu

28.07.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for State.
Ms. Neha Sharma, Ld. Counsel for DCW.
Mr. P.Sharma , Ld. Counsel for accused/applicant.
(All are present through video conferencing.)

Proceedings in the present case have been conducted through video conferencing.

This is an application u/s 438 Cr.P.C. filed by the applicant/accused seeking anticipatory bail.

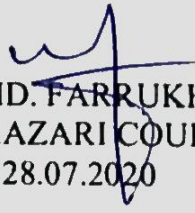
Reply has been filed by the IO to the bail application. Copy of the same has been supplied to the ld. Counsel for the complainant electronically.

Perusal of the reply shows that the IO has stated that there is no need to continue investigation in the present case and the investigation has been closed and no accused person is wanted in this case.

In view of the aforesaid submissions, there is no apprehension to the accused for being arrest.

In view of the aforesaid, Ld. Counsel for the applicant/accused wishes to withdraw his bail application.

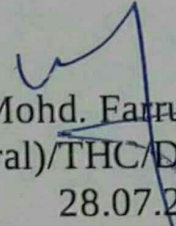
Accordingly, present bail application is dismissed as withdrawn.


(MOHD. FARRUKH)
ASJ-05(Central)TIS HAZARI COURTS,DELHI
28.07.2020

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.
Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. Reply to the application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.
3. Applicant has not given his permanent residential address. IO is directed to trace permanent address of applicant and file on record on next date of hearing.
4. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Legal Aid Counsel as well as IO for intimation through electronic mode.

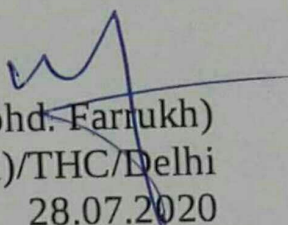

(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

FIR No. 83/20
PS : Kashmiri Gate
State Vs. Rohit

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.
Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. Applicant has not given his permanent residential address. IO is directed to trace permanent address of applicant and file on record on next date of hearing.
3. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Legal Aid Counsel as well as IO for intimation through electronic mode.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

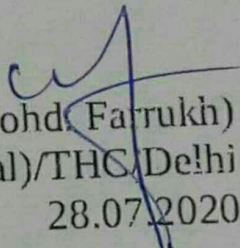
Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.

Ms. Neetu Singh, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused received from jail, however, another application filed by the same applicant in FIR No. 32/20, PS Kashmiri Gate has already been filed by Ld. Counsel from Legal Aid which is listed for 05.08.2020.

2. Ld. Legal Aid Counsel submits that he does not want to press this application and the same may be disposed of as infructuous.

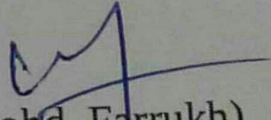
3. In view of above circumstances, this application is disposed of being infructuous. File be consigned to record room. Copy of this order be sent to Ld. Legal Aid Counsel through electronic mode.


(Mohd. Farukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.
Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail cum interim bail for 45 days filed on behalf of applicant/accused.
2. Reply to the application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.
3. Part arguments have been heard.
4. Neither Counsel for applicant/accused has written about filing of the chargesheet nor IO has given the said details in reply. Furthermore, the medical opinion regarding the nature of injury has still not been obtained by the IO.
5. In view of the aforesaid, IO is directed to file additional reply mentioning the factum of filing the chargesheet and further obtaining the medical record regarding the nature of injuries suffered by the complainant.
6. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Counsel for applicant/accused as well as IO through electronic mode for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

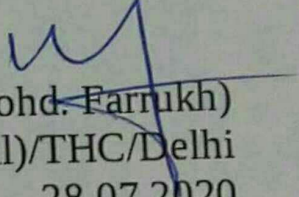
28.07.2020

Present:

Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.

Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

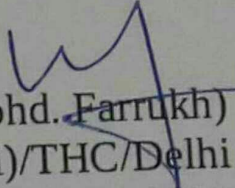
1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. Reply to the application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.
3. Applicant has not given his permanent residential address. IO is directed to trace permanent address of applicant and file on record on next date of hearing.
4. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Legal Aid Counsel as well as IO for intimation through electronic mode.


(Mohd. Farnukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.
Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. Reply to the application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.
3. Applicant has not given his permanent residential address. IO is directed to trace permanent address of applicant and file on record on next date of hearing.
4. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Legal Aid Counsel as well as IO for intimation through electronic mode.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.

Sh. Alok Vajpayee, Ld. Legal Aid Counsel for applicant/accused through video conference.

1. This is an application seeking regular bail cum interim bail for 45 days filed on behalf of applicant/accused.

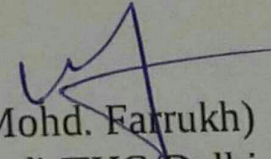
2. Reply to the application has been filed and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.

3. Part arguments have been heard.

4. Neither Counsel for applicant/accused has written about filing of the chargesheet nor IO has given the said details in reply. Furthermore, the medical opinion regarding the nature of injury has still not been obtained by the IO.

5. In view of the aforesaid, IO is directed to file additional reply mentioning the factum of filing the chargesheet and further obtaining the medical record regarding the nature of injuries suffered by the complainant.

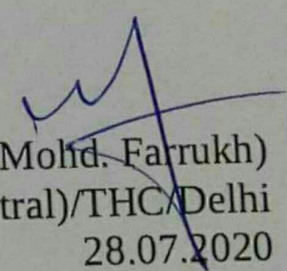
6. Now to come up for further proceedings on 05.08.2020. Copy of this order be sent to Ld. Counsel for applicant/accused as well as IO through electronic mode for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

Present: Ms. Reeta Sharma, Ld. Addl. PP for State through video conference.
Ms. Sunita Rani Sharma, Ld. Counsel for applicant/accused through video conference.
Ms. Neha Sharma, Ld. Counsel for DCW through video conference.

1. This is an application seeking regular bail filed on behalf of applicant/accused.
2. Reply has been filed by IO and copy of the same has been supplied to Ld. Counsel for applicant/accused through electronic mode.
3. The present FIR against the accused is registered U/s 376 IPC. In terms of 'Practice Directions' issued on September 24 2019, presence of the prosecutrix is necessary at the time of deciding bail application filed by applicant/accused.
4. In view of above, notice be issued to the prosecutrix through IO to be present on next date i.e. 05.08.2020.
5. IO be also directed to remain present before this Court through video conference on next date.
6. Copy of this order be sent to Ld. Counsel for applicant/accused as well as IO through electronic mode.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020

28.07.2020

Present Ms. Reeta Sharma, Ld. Addl. PP for the State through video conference.


Ms. Neha Sharma, Ld. Counsel for DCW through video conference.

Ms. Naiem Jahan Heena, Ld. Counsel for applicant/accused through video conference.

Complainant with Ld. Counsel Sh. Asif Khan through video conference.

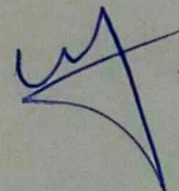
1. This is an application seeking regular bail filed on behalf of applicant/accused.

2. The present FIR has been registered on the basis of complaint given by the prosecutrix. The prosecutrix has stated in her complaint that applicant/accused, younger brother of husband of her sister, was having visiting terms with the family of prosecutrix. It is stated that applicant/accused had called her to Turkman Gate on 14.08.2019 for having talk with her. It is stated that at Turkman Gate, applicant/accused insisted on her to get married with him and when she refused for the same, applicant/accused felt bad. It is stated that applicant/accused gave her soft drink and after having drunk the same, she fell



unconscious and when she regained her consciousness, she found herself in a room at Pahar Ganj Hotel. It is further alleged by the prosecutrix that applicant/accused had done unnatural sex with her forcefully and also made a video of the incident and also took the naked photographs of the prosecutrix. It is further stated that on 16.08.2019, applicant/accused sent her to her home on 16.08.2019 after getting her seated in a rickshaw. The prosecutrix did not state about the said incident to his family members due to threat extended by applicant/accused. It is further stated in the complaint that on 30.05.2020 and 31.05.2020, applicant/accused sent a nude photographs of the prosecutrix on WhatsApp number of her brother Wasim and demanded Rs. 10 Lakhs as ransom failing which her video would get viral. The prosecutrix reached PS Chandni Mahal, handed over the aforesaid complaint on the basis of which the aforesaid FIR has been registered U/s 377/506 IPC at PS Chandni Mahal.

3. In bail application, it is stated that there is inordinate delay of 10 months in lodging the FIR ; applicant has family having 04 years old baby ; applicant and prosecutrix are relatives and were in love affairs and all the things have been done with consent of the prosecutrix and when the aforesaid love affair came in the knowledge of family members of the prosecutrix, present FIR has been registered falsely implicating the applicant. It is prayed that



applicant/accused may be released on bail.

4. Ld. Addl. PP for State has opposed the bail application submitting that applicant/accused has committed heinous offence against the prosecutrix and investigation is at initial stage.

5. Prosecutrix present alongwith her Counsel through video conference submitted that the prosecutrix has 'no objection' if applicant/accused is released on bail.


6. I have heard the arguments and perused the record.

7. Perusal of the record reflects that even before the IO, the prosecutrix has submitted in the PS that she does not want any legal action on her complaint. Applicant/accused is in judicial custody in the present case. The mobile phone as alleged used in the commission of offence has been recovered and is in possession of IO. The investigation qua the applicant/accused is concluded. There is inordinate delay in lodging the FIR. Applicant/accused is not involved in any other case. The complainant/prosecutrix does not want any action on her complaint.

8. Having considered the aforesaid facts and circumstances, I am inclined to grant regular bail to applicant/accused on his furnishing personal bond in sum of Rs. 25,000/- with one surety in the like amount to the



satisfaction of Ld. MM/Link MM/Duty MM with conditions that (1) applicant/accused will not leave the jurisdiction of Delhi-NCR without permission of the Court (2) applicant/accused will not try to influence the witnesses (3) applicant/accused will not indulge himself in any such case which may hamper trial of the case and (4) applicant will appear before the Trial Court regularly as and when trial in this case commences. Copy of this order be sent to Ld. Counsel for applicant/accused and Io through electronic mode for intimation and applicant/accused through the Jail Superintendent concerned for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
28.07.2020