

FIR No. 131/19
U/S 376/363/366/34 IPC & 6 POCSO Act
PS. Sunlight Colony
State Vs. Raju Prasad Keshri & Anr.

20.05.2020

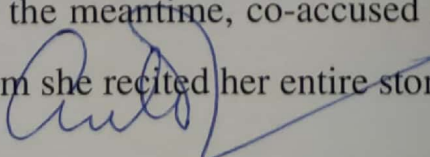
The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Ahlmad of this Court Sh. Anand, JA is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.
Sh. Utkarsh, Ld. Counsel for applicants/accused.
Reply received from IO/SI Naveen Kumar.

The present application is under Section 439 Cr.P.C seeking grant of interim bail filed on behalf of applicant/accused Neeraj Singh.

Arguments heard on the second bail application of the applicant/accused Neeraj Singh.

It is submitted by Ld. Counsel for applicant/accused that FIR was registered on the basis of statement given by prosecutrix aged sixteen years. On 20.04.2019, the prosecutrix ran away from her parental house and reached Varanasi Station where she contacted her friend Neeraj Singh i.e. applicant/accused as she wanted to meet him. The applicant informed her that he already left for his native place at Bihar thereafter, the prosecutrix left for Ghaziabad and reached there in the morning of 21.04.2019. Then, she reached New Delhi Station from Ghaziabad and was waiting for a train to go to Varanasi. In the meantime, co-accused Raju Prasad Kesari met the prosecutrix there to whom she recited her entire story and also told him that she wants to

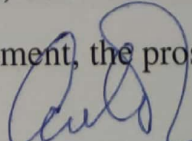

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return back to Varanasi. Thereafter, accused Raju Prasad Kesari took the prosecutrix in a hotel situated near Nizamuddin Railway Station where he raped the prosecutrix. He further took the prosecutrix to another hotel situated at Paharganj where also he forcefully raped her till 27.04.2019. Thereafter, on 27.04.2019 at about 11.00 PM, accused Raju Prasad Kesri brought the prosecutrix to Anand Vihar Railway Station where she had boarded on a train to Varanasi. Then, the prosecutrix called the applicant/accused there and they stayed together till 03.05.2019 at Chandoli and Varanasi where applicant/accused also committed rape upon her forcefully. On 03.05.2019, they got married in a temple and started staying together. However, on 18.05.2019, the family member of applicant/accused Neeraj Singh had quarrel with the prosecution over their marriage and the applicant/accused asked the prosecutrix that she should go back to Delhi for a while and after few days, he would take her back. On 19.05.2019, the prosecutrix returned back to Delhi. Thereafter, the instant FIR was registered on the statement of prosecutrix.

It is submitted that the charge-sheet has already been filed before the court. It is submitted that accused was arrested on 05.02.2020 and since then he is in JC. It is further submitted that the first bail application was dismissed on 20.04.2020 by Sh. Sameer Bajpai, Ld. ASJ (SE), Saket Courts, New Delhi. In statement under 164 Cr.P.C, there is no allegations against the applicant/accused. It is submitted by the counsel for accused that accused is minor. Applicant/accused is innocent and nothing to do with the offences as alleged by the prosecutrix. Applicant/accused undertakes to comply with any condition that this Court deems it fit to impose at the time of grant of bail to applicant. It is submitted that accused may be released on bail.

Per contra, Ld. Addl. PP for the State has strongly opposed the bail stating that in her statement, the prosecutrix has leveled allegations of rape



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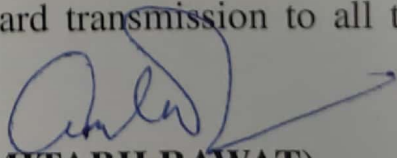
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against the applicant/accused Neeraj Singh and co-accused Raju Prasad Kesari. He submits that the supplementary charge-sheet against the accused/applicant Neeraj Singh has been filed before the court. It is submitted that by the order of the court, the ossification test of the accused was conducted which shows the age of accused as 20 to 22 years. Thus, the accused cannot time and again take the same plea in every bail application without mentioning about the ossification test that was conducted. He prays that the bail application be dismissed as the offences against the accused are serious and the victim is a minor.

Heard. Perused the record.

The investigation has been completed and the charge-sheet has been filed against the applicant/accused under serious offences under Section 376/363/366/34 IPC & POCSO Act. The victim is a minor; the trial is yet to being and the testimony of the victim/prosecutrix is yet to be recorded. Considering the facts and circumstance of the case and the gravity of the offences against the accused/applicant Neeraj Singh, this court is not inclined to grant the relief of bail to the accused at this stage. The application under consideration is dismissed.

Copy of this order be uploaded on the court website forthwith and also email, as per the protocol, for onward transmission to all the concerned parties.


(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/20.05.2020**

FIR No. 73/19
U/S 307/506/34 IPC
PS. Jaitpur
State Vs. Mohd. Aslam
20.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Ahlmad of this Court Sh. Anand, JA is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.

Sh. Deepak Kumar, Ld. Counsel for accused Mohd. Aslam.

Reply received from IO/SI Kamal Singh.

The present application is under Section 439 Cr.P.C seeking grant of interim bail for a period of 30 days filed on behalf of applicant/accused Mohd. Aslam.

Arguments partly heard.

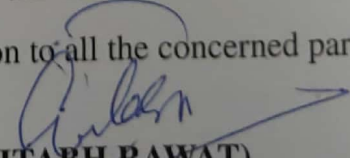
It is pointed out by the Ld. Addl. PP for the State that accused had earlier moved bail application which was dismissed about 7-10 days back. He submits that after the dismissal of the previous bail application there is no change of circumstance.

Ld. Counsel for accused submits that indeed the earlier bail application was dismissed and he has so stated this fact in the present application but he has not filed the copy of the bail order. Ld. Counsel for accused/applicant submits that he will mailed the previous bail order during the course of the day.

Heard.

On request of Ld. Counsel for accused, put up for further arguments on the bail application on 21.05.2020.

Copy of this order be uploaded on the court website forthwith and also email, as per the protocol, for onward transmission to all the concerned parties.


(AMITABH RAWAT)

Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/20.05.2020

CS No.:

Pinky Tripathi Vs. SDMC

20.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Ahlmad of this Court Sh. Anand, JA is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Shri Rahul Tripathi, Ld. Counsel for plaintiff.

Shri Anil Kumar, Ld. Counsel for defendant no.2/(SDMC).

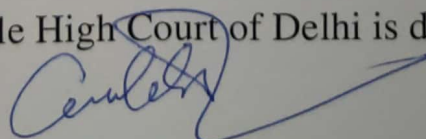
Status Report on behalf of SDMC has been filed.

It is submitted by Ld. Counsel for plaintiff that defendant no. 3 to 5 are doing illegal construction without sanction plan in the suit property and SDMC is not taking any action on a complaint. Plaintiff is residing in the same gali in which illegal construction is being done and prays that it be stopped.

On being asked, he submits that he has no information whether plaintiff's property is legal and as per sanction plan. He submits that he will clarify the same on the next date. He also submits that he has not seen the status report filed by SDMC.

It is submitted by Ld. Counsel for SDMC that there is another suit regarding this property pending in Hon'ble High Court of Delhi. It is also submitted that since plaintiff had claimed construction over govt. land i.e. gram sabha, they had written to Delhi Govt. and SDM concerned. He submits that he has mailed the reply and document.

It is submitted by Ld. Counsel for plaintiff that the suit property in the case pending in Hon'ble High Court of Delhi is different. He submits that he



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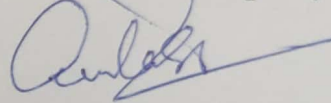
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wants to file some more documents and he may be given time. He further submits that he has not seen the document and reply filed by SDMC.

Heard.

At request of counsel for plaintiff, put up for arguments on the application under Order 39 Rules 1 & 2 CPC on 22.05.2020. The copy of the reply/status report of the SDMC be mailed to the plaintiff. The other defendant no.3 to 5 have also not been served. Let they be also served through Whatsapp and emailed in terms of previous order dated 16.05.2020.

Copy of this order be uploaded on the website and also emailed as per the protocol for onward transmission to the concerned party.



(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lockdown in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/20.05.2020**

FIR No. 586/19
U/S 376D/328/394/506/34 IPC & 6 POCSO Act
PS. Kalkaji
State Vs. Shamim Khan

20.05.2020

The proceedings are being conducted, in terms of office order No. 14 dated 16.05.2020 passed by Ld. District & Sessions Judge, South-East District, Saket Courts, New Delhi through CISCO Webex Video Conferencing and in which the Ahlmad of this Court Sh. Anand, JA is coordinating and is present alongwith Judicial Assistant, filing Section Ms. Pinky.

Present : Sh. Dheeraj Kumar, Ld. Addl. PP for the State.
Sh. Ravi Kant Kaushal, Ld. Counsel for complainant.
Sh. Deep Kisho, Ld. Counsel for accused.

The present application is under Section 439 Cr.P.C seeking grant of interim bail filed on behalf of applicant/accused Shamim Khan.

Arguments heard on the bail application.

It is submitted by Ld. Counsel for applicant/accused Shamim Khan that this is the first bail application of the accused who is in JC since 15.11.2019. Charge-sheet has already been filed before the Court. It is submitted that accused is a close friend of the victim and has not done anything wrong. In the FIR, the role of the applicant has been stated of having done the rape but in the statement under Section 164 Cr.P.C, the prosecutrix has not stated anything against the accused regarding rape. He was falsely implicated in this case. Applicant/accused undertakes to comply with any condition that this Court deems it fit to impose at the time of grant of bail to applicant. It is submitted that accused may be released on bail.

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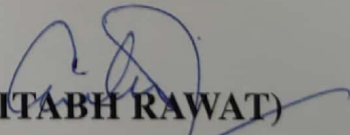
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Per contra, Ld. Addl. PP for the State has contended that the offences against the accused are very serious in nature. It is submitted that the role of the accused is very much stated in the FIR and in the statement of prosecutrix to the police. It is further submitted that the MLC of the victim also done which shows the injury on the victim. It is submitted that FSL report is also awaited. It is also submitted that the statement of the complainant has not been recorded in the court as yet, and accused may influence the witnesses, if he is released on bail.

Ld. Counsel for complainant submits that the family of the victim is under threat from the accused and even the statement under Section 164 Cr.P.C could not describe the detail in complete due to the threat extended by the accused and the family. They have also lodged one DD No. 34 with Police Station Prahlad Pur regarding the threat to withdraw the present FIR. The bail application has been strongly opposed.

Considering the facts and circumstances of the case, the seriousness of the offences against the accused/applicant and the allegations of threat by the family of accused and the fact that trial is yet to be begin and the evidence is yet to be recorded, I do not deem it fit case to grant bail to the accused at this stage. The application under consideration is dismissed.

Copy of this order be uploaded on the court website forthwith and also email, as per the protocol, for onward transmission to all the concerned parties.


(AMITABH RAWAT)

**Duty Additional District & Sessions Judge, South-East
(Due to lock-down in pursuant to COVID-19 epidemic)
Saket Courts, New Delhi/20.05.2020**