

Bail Application No.1120/2020
FIR No. NA
PS: Sadar Bazar
U/s: Not Known
State Vs. Faizan Parvez

01.10.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Jitender Joshi is present.
Complainant with Sh. Mohd. Ahmed, Advocate
Sh.Sanjay Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

At the outset, Id. Addl. PP has raised an objection as to the maintainability of the present bail application on the ground that no FIR has been registered against the present applicant as per reply filed by concerned SHO and there is no reasonable apprehension of arrest of applicant as of now.

It is observed that in the additional reply dt. 01.10.2020 filed in the matter, it is mentioned that FIR could not be registered in view of direction issued by Predecessor of the Court that no coercive action shall be taken against applicant in this case. The said part of reply is not found to be in conformity with the law of the land as there was no impediment in the way of Police Authority in registering the FIR if so required under the law, merely because there was interim direction for not taking any coercive action against the applicant in terms of previous order passed by Id. Predecessor of the Court.

Be that as if may, counsel for applicant is called upon to advance the arguments on the aforesaid objection raised on behalf of State.

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Bail Application No.1120/2020
FIR No. NA
PS: Sadar Bazar
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State Vs. Faizan Parvez

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After brief arguments, counsel for applicant seeks permission to withdraw the present bail application with liberty to the applicant to move appropriate application before appropriate forum at appropriate stage, if so, required under the law.

In view of aforesaid submissions made by counsel for applicant, the present bail application is dismissed as withdrawn, with liberty as prayed.

Copy of this order be given dasti to both the sides electronically, as per rules.

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(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
01.10.2020

**Bail Application No.1299/2020
FIR No. 270/2020
PS: Nabi Karim
U/s: 376/ 506 IPC
State Vs. Deepender @ Deepu**

01.10.2020

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Id. APP for the State.
IO SI Manmeet Singh.
Prosecutrix namely "N" alongwith Sh. R.K.Sonkiya, Advocate (Vakalatnama filed).
Sh. Shubham Asri, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part submissions made. During the course of submissions, counsel for applicant seeks permission to file certain documents on record. He is allowed to do so as per law and to provide copies thereof electronically to IO who shall get the said documents, if so provided, verified and shall submit the report on the next date.

Ld. Addl. PP has also submitted on behalf of State that in view of relevant allegations appearing in FIR regarding use of words pertaining to SC/ST community by this applicant, the relevant provisions of SC/ST Act are also attracted in this case. IO is directed to file his additional reply in this regard on the next date with advance copy thereof to the opposite counsel through electronic means.

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**Bail Application No.1299/2020
FIR No. 270/2020
PS: Nabi Karim
U/s: 376/ 506 IPC
State Vs. Deepender @ Deepu**

- 2 -

On request of counsel for applicant/accused for hearing the present bail application physically in the Court Room, which is not opposed by Ld. Addl. PP as well as counsel for complainant, the present bail application is directed to be listed for arguments by way of physical hearing in the Court room on 08.10.2020 at 12.30p.m.

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(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
01.10.2020

Bail Application No.1310/2020
FIR No.21/2020
PS: Sadar Bazar
U/s: 451/323/304/34 IPC
State Vs. Nitish @ Nonu

01.10.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO / Insp. Pawan Kumar.
Sh. S.D. Ansari, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

At the outset, it may be noted that previous similar bail application of present applicant/ accused was dismissed by Sessions Court on 18.09.2020. In this back drop, Id. Addl. PP has raised an objection on behalf of State that there being no material change in the facts and circumstances of the case, the present bail application is liable to be dismissed.

However, counsel for applicant/ accused has submitted that present bail application is very much maintainable under the law. He claims that the factum of grant of regular bail to co-accused Sanjay Prakash on 14.09.2020 by Hon'ble High Court, was not brought to the notice of Sessions Court at the time of dismissal of his previous bail application vide order dt. 18.09.2020. It is further submitted that bail application is also maintainable as the matter involves personal liberty of the present applicant and about 12 days have further passed after dismissal of the previous bail application of the present applicant.

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Bail Application No.1310/2020
FIR No.21/2020
PS: Sadar Bazar
U/s: 451/323/304/34 IPC
State Vs. Nitish @ Nonu

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On merits, it is argued by counsel for applicant/accused that the applicant is totally innocent and is falsely implicated in this case: he is in custody since 17.03.2020: FIR in question is got registered by the complainant as a counter blast to FIR No. 169/19 u/S 324 IPC already registered against the complainant party of the present case and in order to pressurize the present applicant and his family member to compromise the said other matter. It is further argued that the present applicant is having clean antecedents and he is not required for the purpose of investigation as charge-sheet has already been filed in this case. It is further argued that the applicant is having deep roots in the society and he is ready to abide by the terms and conditions which may be imposed by the Court while granting bail to him. It is further argued that trial is not likely to be concluded in near future and thus, no useful purpose will be served by keeping him behind the jail. It is further argued that no specific role is attributed to the present applicant and he stands on similar footing as that of co-accused Sanjay Prakash, who is already granted bail in this case by Hon'ble High Court on 14.09.2020 and, therefore, the present applicant also deserves to be released on bail on the ground of parity. It is, therefore, urged that the bail application may be allowed.

Per contra, the bail application is strongly opposed by Ld. Addl. PP on merits as well on the ground that allegations against the present applicant are grave and serious and he alongwith co-accused Naveen had caused death of Om Prakash (father of complainant) by giving him fists and kick blows. It is further argued that co-accused Sagar is still absconding in this case and the present applicant actively participated in the commission of crime. It is further argued that the case is at initial stage and the material public witnesses including the family members of deceased have not yet been examined during trial and there is possibility of intimidation/ threat to those public witnesses as both the parties are residing in the same locality. It is, therefore, urged that the present bail application may be dismissed.

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Bail Application No.1310/2020
FIR No.21/2020
PS: Sadar Bazar
U/s: 451/323/304/34 IPC
State Vs. Nitish @ Nonu

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As already noted above, the bail application of co-accused Sanjay Prakash was allowed by Hon'ble High Court on 14.09.2020, whereas the previous bail application of present applicant was dismissed by Sessions Court on 18.09.2020. Hence, it was the duty of applicant/accused to bring the factum of passing of bail order of said co-accused to the notice of Sessions Court, which is not shown to have been done from the side of applicant for the reasons best known to him.

Be that as it may, the present applicant can not seek parity with co-accused Sanjay Prakash in view of the reason that the role ascribed to him, is altogether different from the role attributed to said co-accused. It is quite clear from the record that said co-accused had allegedly given beatings to the complainant namely Jai Prakash (son of deceased), whereas the present applicant alongwith co-accused Naveen are alleged to have given severe beatings to the deceased Om Prakash with fists and kick blows on vital parts of his body, which ultimately resulted into his death.

During the course of arguments, IO has produced copy of post mortem report dt. 22.02.2020 of deceased, wherein deceased is shown to have received external as well as internal injuries including linear fracture of right temporal bone radiating towards the base frontal bone at right orbit. All the injuries are opined to be ante mortem and fresh and cause of death is opined due to cranio cerebral damage consequent upon blunt force impact diverted upon the head and sufficient to cause death in ordinary cause of nature. The manner of death is opined to be homicidal.

Apart from above, IO has also produced statements under Section 161 Cr.P.C. of public witnesses namely Suresh @ Tittu Pradhan, Gaurav, Tarun, Sheela, Parul and Anuj Kumar recorded by him during investigation.

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Bail Application No.1310/2020
FIR No.21/2020
PS: Sadar Bazar
U/s: 451/323/304/34 IPC
State Vs. Nitish @ Nonu

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All these public witnesses have stated in their respective statements that the present applicant alongwith co-accused Naveen had given severe beatings with fists and kick blows to the deceased Om Prakash. The case is still at the initial stage and is not yet been committed to the Court of Sessions. In the back drop of the fact that both the sides are residing in the same locality, the apprehension raised on behalf of State that the present applicant may influence or intimidate the public witnesses in the event of his release of bail, can not be ruled out.

After considering the overall facts and circumstances of the case including the nature of allegations, gravity of offences, role allegedly played by present applicant/accused in the commission of crime and in the light of observation made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/accused. Consequently, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

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(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
01.10.2020

Bail Application No.1337/2020
FIR No. 244/2020
PS: Kotwali
U/s: 392/411/34 IPC
State Vs. Ajay @ Manoj

01.10.2020

This is an application u/s 439 Cr.PC for interim bail moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Id. APP for the State.
IO /SI Anjani Kumar Singh.
None is present on behalf of applicant/accused

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

None has joined the hearing on behalf of applicant/accused despite the fact that the bail application has been taken up 2-3 times since morning. In the interest of justice, no adverse order is being passed against the applicant / accused for today.

It is informed that charge sheet has already been filed in this case.

That being so, let TCR be called through Robkar for next date of hearing.

Put up on 08.10.2020 for appearance on behalf of applicant/accused and for arguments on the present bail application.

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(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
01.10.2020

**Bail Application No.1365/2020
FIR No.131/2020
PS: Sadar Bazar
U/s: 376/328 IPC
State Vs. Arman**

01.10.2020

This is an application u/s 439 Cr.PC seeking extension of interim bail, moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Id. APP for the State.
IO W/ASI JagRoshini.
None is present on behalf of prosecutrix.
Sh. Shazeb, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part submissions made. During the course of submissions, counsel for applicant seeks adjournment for filing medical documents of applicant in support of his submission that the immunity system of applicant is damage/weak. He may do so on or before next date with advance copy to IO who shall get the said documents, if so provided, verify from the concerned Hospital authority and shall submit the report before the Court on the next date.

Put up on 03.10.2020 for further arguments on the application under consideration.

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(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
01.10.2020