

FIR No. 288/2019
PS: Sarai Rohilla
State Vs. Pawan @ Jaat
U/s 394/397/34 IPC

18.09.2020

ORDER

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused-applicant Pawan @ Jaat in case FIR No. 288/2019.

Ld. counsel for the accused-applicant has contended that the investigation qua the Applicant/ Accused is completed and nothing remains to be recovered from the Applicant/ Accused. That the police custody was taken on 03.10.2019 without any proper inquiry being made by the Police and thereafter he is falsely implicated in the present case. That accused-applicant has clean antecedents.. That the previous bail application of the applicant/Accused was dismissed on 08.05.2020, second Bail Application was dismissed on 01.07.2020. That on 14.07.2020 the Wife of the Applicant/Accused i.e. Mohita, 28 years of age had met with an accident and was taken to Guru Gobind Singh Govt. Hospital, Raghbir Nagar, New Delhi-110027 where it was ascertained that the injuries have led to the fracture of a bone in her right leg causing severe pain. That her injured leg was plastered and that the plaster on the leg had become wet and was therefore removed but the problem continues and there is no one to look after his wife and to provide for the family as the applicant is the sole bread earner of the family who used to work as an electrician on a daily

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basis. That father of the accused is also a senior citizen and has no source of income and due to this pandemic, even he is not able to move around to make a living, therefore this makes further more important to release the Accused/Applicant so that he can make necessary arrangements for the circumstances that have arisen.


Ld. Addl. PP on the other hand, submitted that offence committed by the accused-applicant is heinous. That the accused alongwith four others has committed robbery in course whereof dangerous weapon ie knife was used by the co-accused and the scooty and mobile of the complainant were robbed. That the complainant had correctly identified accused-applicant and co-accused during TIP proceedings, that the robbed scooty and mobile phone have been recovered in the course of investigation. That medical documents of wife of the accused-applicant were got verified and concerned doctor has reported that wife of the accused does not require any physical assistance and she was attended as OPD patient. That as per opinion of the doctor, there is no bony injury sustained by the wife of the accused-applicant.

Heard.

The accused-applicant seeks interim bail on the ground that his wife has suffered a fracture and there is no one in the family capable of taking care of his wife and attending to her and also for the arrangement of funds for the treatment of wife and for the family in general and in support thereof certain photographs and medical documents are filed alongwith the application. The medical record has been verified in pursuance to

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directions issued in this regard and the Doctor concerned namely Dr. Abu Ghufraan, Sr. Ortho, Guru Gobind Singh Hospital, has given a detailed report to the effect that on 25.8.2020 he had attended to the wife of the accused-applicant in the casualty department on the complaint of 16 days old injury to the right knee. The x-rays did not suggest any bony injury. She had consulted other doctors in the department and was advised cylindrical slab by the doctor who had attended to her prior to him and she had herself removed the same against medical advice. That according to the injury she does not require any physical assistance on the basis of clinical examination and Xray findings and that as per documents available she is first attended to in the hospital on 14.7.2020. There is therefore no bedrest or hospitalization advised nor any surgery prescribed, as there has not been detected any bony injury no physical assistance also is required for the management of the injury. In such facts and circumstances therefore the personal presence of the accused-applicant for the treatment of the wife is neither absolutely necessary nor warranted. No ground is therefore made out to grant interim bail to the accused Pawan @ Jaat in the present case on the ground of fracture suffered by wife of the accused-applicant. The present application is accordingly dismissed.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
18.09.2020

FIR No. 212/2017
PS: Lahori Gate
State Vs. Farsa Ram
U/s 395/397/412/34 IPC

18.09.2020

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

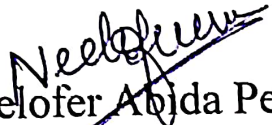
Sh. Sachin Jain, Ld. Legal Aid Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Farsa Ram in case FIR No. 212/2017.

Arguments are heard in part. Ld. Addl. PP seeks some time to refer to the record.

For further consideration, put up on 22.09.2020. In the meantime, previous involvement report be also called from the IO in respect of the accused-applicant.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
18.09.2020

FIR No. 227/2018
PS Crime Branch
State v. Yogesh etc. (applicant Devendra)
U/s 20/25/29 NDPS Act

18.09.2020

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

Sh. Siddharth Yadav, accused-applicant (through video conferencing)

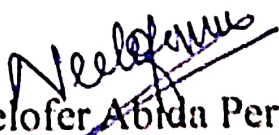
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 60 days on behalf of accused Devendra in case FIR No. 227/2018 on the ground of his illness.

Heard.

Medical health condition report in respect of the applicant-accused is not received from Superintendent Jail. Let the same be called afresh for the next date of hearing.

For report and consideration, put up on 23.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
18.09.2020

FIR No. 243/2017 & 245/2017
PS Burari
State v. Julfikar @ Zulfikar
U/s 302/120B/201/380/411/34 IPC & 25 Arms Act

18.09.2020

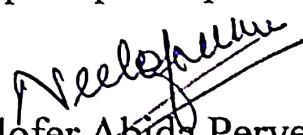
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Ravi Chaturvedi, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

These are the two applications under Section 439 CrPC for grant of interim bail filed on behalf of accused Julfikar @ Zulfikar in case FIR No. 243/2017 and 245/2017 on the ground of illness of father accused-applicant.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
18.09.2020

At 4 pm
ORDER

This order shall dispose of two applications under Section 439 CrPC for grant of interim bail on behalf of accused Julfikar @ Zulfikar in case FIR No. 243/2017 and 245/2017 on the ground of illness of father accused-applicant.

Ld. counsel for the accused-applicant submits that the father of the accused-applicant is suffering from kidney problem. That mother of the accused-applicant is an old aged lady who used to do work under MGNREGA scheme and due to outbreak of Covid-19 now she is unable to get any employment. That family of the accused-applicant is at the stage of starvation. That father of the accused-applicant requires immediate medical attention for his illness. That the father of the accused-applicant remained hospitalized and was discharged from the private facility with the recommendation to avail of treatment from higher facility which is not possible without adequate funds and that presently his condition is being managed by administering glucose at home only as the family for want of finances is unable to take him to a better private facility. that there is no one in the family to take care of the father and to provide for the treatment as the accused-applicant was the only bread winner. That the co-accused have also been allowed interim bails.

Ld. Addl. PP, on the other hand, submits that accused is involved in murder of six members of one family. Two dead bodies were recovered from Delhi and three dead bodies were recovered from Meerut. That firstly wife and two daughters of Munawar Hasan were murdered in cold blood in the intervening night of 20.04.2017 at Durali, UP and their dead bodies buried, and thereafter two sons of Munawar Hasan namely Shakib and Akib were murdered on 21.04.2017 in Delhi and their dead bodies were buried in the same premises where they were murdered. Thereafter Munawar Hasan was murdered on 20.05.2017. Further as per

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report of the IO, medical documents of the father of the accused-applicant have been verified from the concerned doctor and there is no requirement of any surgery for the treatment of father of accused-applicant who has since been discharged from the hospital from where he was receiving the treatment.

Heard.

Interim bail is being sought on the ground of illness of father of the accused-applicant. It emerges from the report of Dr. Veer Singh of PL Sharma Hospital, Meerut UP that father of the accused-applicant was admitted in this Hospital from 17.08.2020 to 20.08.2020 and no requirement of any surgery and that there is no requirement for any attendant for the father of the accused-applicant. As per the medical record filed which has been verified, the father of the accused-applicant was admitted in the hospital on 17.8.2020 on the complaint of pain in abdomen with vomiting and is referred to higher centre for Urology for further management at the time of discharge on 20.8.2020. The IO has also recorded the statement of the father and mother of the accused-applicant, who have stated that they have four children, two daughters and two sons, and the elder daughter is married and living in the matrimonial home in Haryana, and the younger daughter and son are living with them, the accused-applicant is the elder son and that they are facing problems in going to the hospital due to Corona situation. It is verified that family of the accused-applicant consists of Mother, sister aged 20 years and younger

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brother Sultan Aged 17 years. The father of the accused-applicant is not hospitalized at present and has not been advised to undergo any surgical procedure, and due to prevailing situation is facing difficulty in going to the hospital, however there are the mother and sister of the accused-applicant capable of taking care of the father of the accused-applicant even if the younger brother is minor. The co-accused Sahib Khan was granted interim bail as his wife at the time was certified to be suffering from heart ailment and admitted in hospital and was to undergo heart surgery.. The father of the accused-applicant however is not hospitalized for the purposes of any kind of surgery and there are other family members capable of taking care of the father of the accused-applicant. Another co-accused was granted interim bail as per guidelines and the case of the accused-applicant under the guidelines has already been considered and not found to be a fit case. In such facts and circumstances therefore, the present application for grant of interim bail is hereby dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
18.09.2020