

Bail application

FIR No. 31/2019

DC Prasad Nagar

u/sec. 366/376/376D

State v. Pardeep

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Vinit Jain, Ld. Counsel for applicant/accused.

Application is taken up today on the submissions of Ld. Counsel for applicant/accused that this matter is fixed for today, however, inadvertently it was shown in the order-sheet that the matter is fixed for 14.06.2020.

In view of the same, issue notice to the IO for filing the reply.

At the request of Ld. Counsel for applicant/accused, matter is adjourned for 18.05.2020.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 97/12
U/s 302/201/120b/34/420/419 IPC
PS : Prasad Nagar
State Vs. Seema Devi

14.05.2020

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

Ld. Counsel for applicant/accused is present through video-conference.

Reply has been filed.

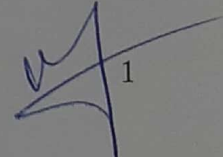
1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground for taking care of her minor children during lockdown period.

2. FIR No. 97/12 had been registered against the applicant/accused on the allegations that she had committed the murder of one Lakhan Sharma with whom she was in live-in relationship.

3. Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.

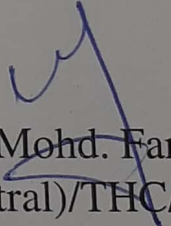
4. I have heard the arguments and perused the record. From the reply, it is reflected that this case is pending trial for the offences attracting punishment upto life or capital punishment.

5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions


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FIR No. 97/12
U/s 302/201/120b/34/420/419 IPC
PS : Prasad Nagar
State Vs. Seema Devi

Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

Bail application

Cr. No. 154/2020

PS. Burari

u/sec. 304/34 IPC

State v. Virender Yadav

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Surya Kamal Mishra, Ld. Counsel for applicant/accused.

After some arguments, Ld. Counsel for the applicant submits that he intends to withdraw the bail application. Heard. On his submission, bail application of the applicant is dismissed as withdrawn.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 450/18

PS : Karol Bagh

U/s : 376 IPC and U/s 6 POCSO Act

State Vs. Usman Khan

14.05.2020

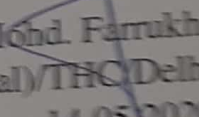
Present: Ms. Reeta Sharma, Ld. Addl. PP for State.

Sh. Iqbal Khan, Ld. Counsel for applicant/accused.

Reply has been filed to interim bail application.

After addressing some arguments, Ld. Counsel for applicant/accused wants to withdraw this application.

In view of above submission, present interim bail application is dismissed as withdrawn.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

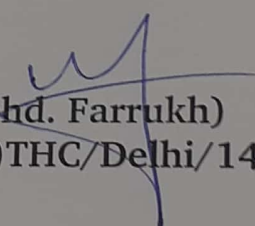
Bail application
FIR No. 83/16
PS. Crime Branch
u/sec. 20,25,29 NDPS Act.
State v. Akash @ Guddu & Anr.

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
None for accused/applicant.

It is already 02:20 pm.

None for accused/applicant in the present case. Even on the earlier dates of hearing i.e. 05.05.2020 and 08.05.2020, no one appeared for the accused. In view of the aforementioned, present bail application is dismissed in default.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

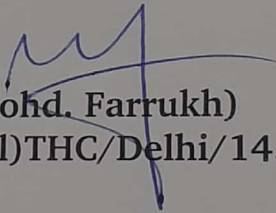
Bail application
FIR No. 245/18
PS. Nabi Karim
u/sec. 302 IPC
State v. Parveen Kumar

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
None for accused/applicant.

It is already 02:20 pm.

None for accused/applicant in the present case. Even on the earlier dates of hearing i.e. 05.05.2020 and 08.05.2020, no one appeared for the accused. In view of the aforementioned, present bail application is dismissed in default.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 142/17

U/s 395/397/412/34 IPC

PS : Lahori Gate

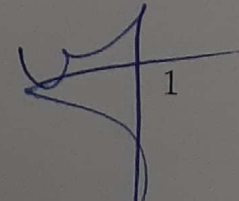
State Vs. Shakil and Ors.

14.05.2020

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

Sh. Harsh Hardy, Ld. Counsel for applicant/accused.

1. This is an application seeking interim bail filed on behalf of applicant/accused Yunus on the ground that his wife used to stitch in a rented shop to survive livelihood of her and 5 years old son who is suffering from pneumonia and high fever, financial constrains as well as due to spread of COVID-19 in Jail.
2. FIR No. 32/19 had been registered against the applicant/accused on the allegations of committing robbery for which he is facing trial.
3. On the other hand, Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. Though the medical document filed alongwith interim bail application has been found genuine, however, Section 395 IPC in which applicant/accused is facing trial, attracts imprisonment upto life.
5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha


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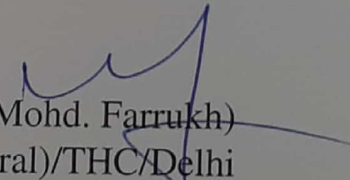
FIR No. 142/17

U/s 395/397/412/34 IPC

PS : Lahori Gate

State Vs. Shakil and Ors.

Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Considering the aforesaid and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)

ASJ-05 (Central)/THC/Delhi

14.05.2020

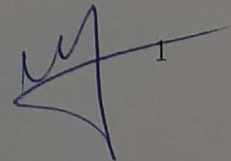
14.05.2020

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

Ld. Counsel for applicant/accused is present through video-conference.

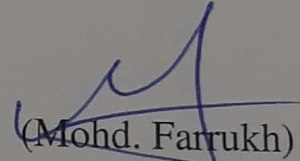
Reply has been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground for taking care of his ailing mother as well as spread of COVID-19.
2. FIR No. 309/19 had been registered against the applicant/accused for the offences U/s 15/25/29 of NDPS Act.
3. On the other hand, Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that applicant/accused is facing trial for having commercial quantity poppy husk under NDPS Act. Mother of applicant/accused has already been discharged.
5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions



FIR No. 309/19
U/s 15/25/29 of NDPS Act
PS : Crime Branch
State Vs. Jarnail Singh @ Jally

Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.



(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

FIR No. 216/14
U/s 368/370/372/376/377/417/419/420/468/474/306/120B IPC
PS : Hauz Qazi
State Vs. Afjal Ali

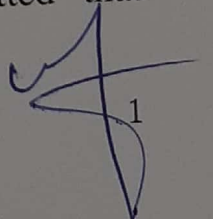
14.05.2020

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

Sh. M.A. Qureshi, Ld. Counsel for applicant/accused.

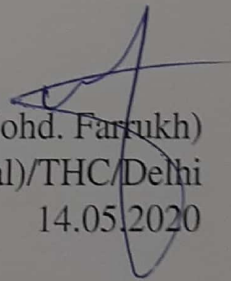
IO Inspector Ravinder Kumar is present. Reply has been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground of medical treatment of his sister.
2. FIR No. 216/14 had been registered against the applicant/accused on the allegations that he was involved in human trafficking.
3. On the other hand, Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that the allegations against the applicant/accused are of human trafficking. This case is pending trial. It has further been submitted that medical documents of sister of applicant/accused are from West Bengal and it is not possible to get the same verified during lockdown. It has further been submitted that


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telephonic contact was made at the native home of accused and it is known that sister of applicant/accused is living with her parents and maternal Uncle as well as Doctors have prescribed an operation of kidney stone of sister of applicant/accused but date of operation has not been fixed. The punishment in the charged offences is upto life imprisonment.

5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

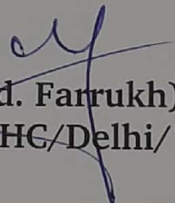
Bail application
FIR No. 34/20
PS. Kamla Market
u/sec. 307/34 IPC
State v. Jaid

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Harish Kumar, Ld. Counsel for applicant/accused.

Part arguments heard.

At the time of arguments, Ld. Counsel for the applicant submits that he intends to withdraw the bail application. Heard. On his submission, bail application of the applicant is dismissed as withdrawn.


(Mohd. Farrukh)

ASJ-05/(Central)THG/Delhi/14.05.2020

FIR No. 32/19

U/s 399/402 IPC and U/s 25/54/59 Arms Act

PS : Crime Branch

State Vs. Aas Mohd. @ Ashu

14.05.2020

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

Ld. Counsel for applicant/accused is present through video conference.

1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground that father of applicant/accused is suffering from hernia for the last 6 months and his date for operation is fixed for 15.05.2020 and date of admission in the Hospital is 13.05.2020.
2. FIR No. 32/19 had been registered against the applicant/accused on the allegations that on 12.02.2019, applicant/accused was found present alongwith his co-accused in a Hotel at Pahar Ganj, Delhi and they were making planning to commit loot and from possession of applicant/accused, one pistol alongwith five live cartridges was recovered.
3. Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.



4. I have heard the arguments and perused the record. No medical document has been filed with this interim bail application in support of illness of father of applicant/accused. Section 399 IPC in which FIR No. 32/19 has been registered, attracts punishment upto 10 years.

5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Considering the aforesaid and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.

(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

Bail application No. _____

FIR No. 89/2020

PS. Timar Pur

u/sec. 186/332/353/188/269/270/34 IPC & Sec. 3 PDPP Act
State v. Sahil Sharma

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused(through video
conferencing).

The proceedings in the present application have been conducted
through video conferencing.

Reply not filed. IO is directed to file the reply.

List on 16.05.2020.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

At. 2:30 pm.

At this stage, reply to the bail application is filed.

List on 16.05.2020 for arguments.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 166/19
U/s 323/376/363/366/506/34 IPC
PS : Civil Lines
State Vs. Harsh Dheda @ Yogdutt Sharma

14.05.2020

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

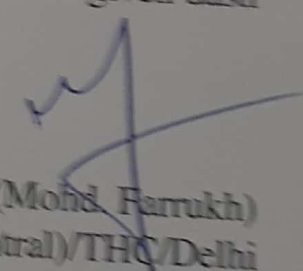
Sh. Piyush Jain, Ld. Counsel for applicant/accused.

1. This is an application seeking interim bail filed on behalf of applicant/accused Harsh Dheda @ Jaggu @ Yagya Dutt Sharma due to spread of COVID-19.
2. FIR No. 166/19 had been registered at PS Civil Lines on 30.09.2019 on the allegation that accused had committed rape upon the minor victim aged about 17 years on 16.09.2019.
3. On the other hand, Ld. Addl. PP for State vehemently opposed the bail application on the ground that victim has identified the accused in his evidence and allegations against the accused are very serious in nature.
4. I have perused the record and heard the arguments.
5. Perusal of the record shows that that this case is pending trial before this Court. The victim has correctly identified the accused in her evidence. This Court has already dismissed the regular bail application on merits on 04.03.2020. Today this Court is hearing urgent matters during lockdown. The offences charges attract the imprisonment upto life.



FIR No. 166/19
U/s 323/376/363/366/506/34 IPC
PS : Civil Lines
State Vs. Harsh Dhedha @ Yogdutt Sharma

6. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent as well as be given dasti to Ld. Counsel for applicant/accused.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

FIR No. 84/14
U/s 307/302 IPC
PS : Darya Ganj
State Vs. Ashraf and Ors.

14.05.2020

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

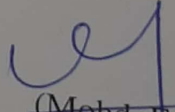
Ld. Counsel for applicant/accused is present through video-conference.

Reply has been filed.

1. This is an application seeking parole filed on behalf of applicant/accused on the ground that mother of applicant/accused is in serious condition
2. Applicant/accused is facing trial in case FIR No. 84/14 for the offences punishable U/s 302/307 IPC.
3. On the other hand, Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that medical document of mother of applicant/accused has been found genuine. However, applicant/accused is stated to have been involved in 08 other cases. The punishment in the charged offences in this case, is upto life imprisonment or capital punishment.
5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India

FIR No. 84/14
U/s 307/302 IPC
PS : Darya Ganj
State Vs. Ashraf and Ors.

in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

FIR No. 169/19
U/s 377/506 IPC
PS : Chandni Mahal
State Vs. Adil Hussain


14.05.2020

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

Sh. M.M. Khan, Ld. Counsel for applicant/accused.

Reply has been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused Adil Hussain on the ground of illness of sister as nobody is at home to take care in the present COVID-19 situation.
2. FIR No. 169/19 had been registered at PS Chandni Mahal U/s 377/506 IPC on the allegations that accused had committed oral sex with the victim and threatened him not to disclose the same to anyone.
3. It has further been submitted that Applicant/accused is in judicial custody since 20.10.2019 and has been falsely implicated in this case.
4. On the other hand, Ld. Addl. PP for State vehemently opposed the bail application on the ground that allegations against the accused are very serious in nature.
5. I have perused the record and heard the arguments.
6. Perusal of the record shows that that the chargesheet has been filed and this case is pending trial. The allegations against the applicant/accused are of oral sex and threat for not disclosing the same to

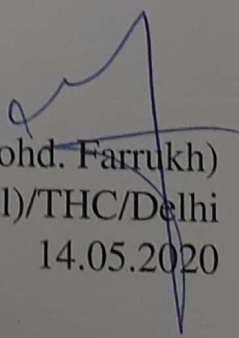

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FIR No. 169/19
U/s 377/506 IPC
PS : Chandni Mahal
State Vs. Adil Hussain

anyone under which offences, punishment is upto 10 years.

7. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ).

8. Considering the aforesaid facts and circumstances coupled with the directions in the Minutes of the Meeting held on 07.04.2020 under the chairmanship of HMJ Hima Kohli, it is directed that applicant/accused be enlarged on interim bail for 45 days on his furnishing personal bond in sum of Rs. 25,000/- with direction that (1) he will not indulge himself in any such activity which may hamper trial of the case (2) he will appear before the Trial Court on each and every date (3) he will not try to influence the witnesses. After expiry of interim bail period, applicant/accused will surrender before the concerned Jail Superintendent. Application stands disposed of. A copy of this order be sent to the applicant/accused through the Jail Superintendent for intimation.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

FIR No. 247/18
U/s 376/506 IPC and U/s 6 POCSO Act
PS : Nabi Karim
State Vs. Jitender Kumar Yadav

14.05.2020

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

Sh. Haneef Mohd., Ld. Counsel for applicant/accused.

Reply has already been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused Jitender Kumar Yadav for taking care of financial needs and other problems arising due to COVID-19.

2. FIR No. 247/18 had been registered at PS Nabi Karim on the allegations that accused had committed rape upon the minor victim.

3. On the other hand, Ld. Addl. PP for State vehemently opposed the bail application on the ground that allegations against the accused are very serious in nature.

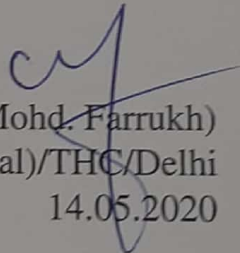
4. I have perused the record and heard the arguments.

5. Perusal of the record shows that that this case is pending trial. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in *Suo Moto* W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the



FIR No. 247/18
U/s 376/506 IPC and U/s 6 POCSO Act
PS : Nabi Karim
State Vs. Jitender Kumar Yadav

offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent as well as be given dasti to Ld. Counsel for applicant/accused.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

Bail application

FIR No. 215/14

PS. Lahori Gate

u/sec. 395/397/412/506/353/186/34 IPC

25/27 Arms Act

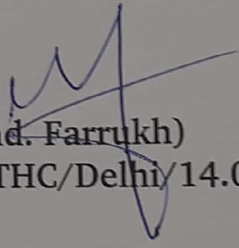
State v. Nitin Tokas

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Alok Kumar, Ld. Counsel for applicant/accused.

Part arguments heard.

At the time of arguments, Ld. Counsel for the applicant submits that he intends to withdraw the bail application. Heard. On his submission, bail application of the applicant is dismissed as withdrawn.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 209/17
U/s 380/392/395/397/482/452/419/120-B/34 IPC
PS : Karol Bagh
State Vs. Narender @ Sunny

14.05.2020

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

Sh. J.P. Singh., Ld. Counsel for applicant/accused.

Reply has been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused Narender @ Sunny on the ground of illness of wife of applicant/accused due to injuries at her lower limb/backbone and for providing mental, physical and economic support to his old aged parents, wife and his minor female child aged about 8 years during the period of lockdown.
2. FIR No. 09/17 had been registered at PS Karol Bagh U/s 380/392/395/397/482/452/419/120-B/34 IPC on the allegations that accused alongwith co-accused had committed robbery at the house of complainant pretended themselves to be as CBI Officer.
3. On the other hand, Ld. Addl. PP for State vehemently opposed the bail application on the ground that allegations against the accused are very serious in nature.
4. I have perused the record and heard the arguments.
5. Perusal of the record shows that that this case is pending trial and complainant has identified the applicant/accused in the evidence.



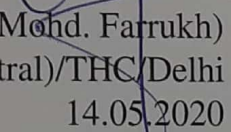
FIR No. 209/17
U/s 380/392/395/397/482/452/419/120-B/34 IPC

PS : Karol Bagh

State Vs. Narender @ Sunny

Material witnesses are yet to be examined. During inquiry, it is stated by the treating Doctor that wife of applicant/accused is not under his treatment and in his opinion, she requires no surgery or any treatment as well as she has fully recovered.

6. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

Bail application
FIR No. 120

Bail application
FIR No. 243/2017
PS. Darya Ganj
u/sec. 376/506 IPC
State v. Salman

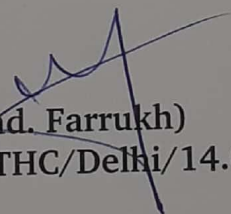
14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Aman Khanna, Ld. Counsel for applicant/accused.
IO SI Sunita in person. Reply filed.

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

Part arguments heard.

At the time of arguments, Ld. Counsel for the applicant submits that he intends to withdraw the bail application. Heard. On his submission, bail application of the applicant is dismissed as withdrawn.


(Mohd. Farrukh)
ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 139/18
PS. Pahar Ganj
u/sec. 411/379/328/34 IPC
State v. Irfan Khan

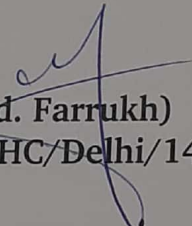
14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. M.S.Khan, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply.

At the request of Ld. Counsel for applicant/accused, be put up on 18.05.2020 for arguments on bail application.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

FIR No. 194/18

PS. Sarai Rohilla

u/sec. 411/379/328/34 IPC

State v. Irfan Khan

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. M.S.Khan, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply.

At the request of Ld. Counsel for applicant/accused, be put up on 18.05.2020 for arguments on bail application.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

FIR No. 195/18

PS. Kashmiri Gate

u/sec. 411/379/328/34 IPC

State v. Irfan Khan

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. M.S.Khan, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply.

At the request of Ld. Counsel for applicant/accused, be put up on 18.05.2020 for arguments on bail application.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 121/18
PS. Sarai Rahola
u/sec. 411/379/328/34 IPC
State v. Irfan Khan

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. M.S.Khan, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply.

At the request of Ld. Counsel for applicant/accused, be put up on 18.05.2020 for arguments on bail application.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

FIR No. 7/2017

PS. Sadar Bazar

u/sec. 302/307/328/120-B/34 IPC

State v. Anish Yadav

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State,
Sh. Manish K. Singh,, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply and verify the medical documents of the mother of the applicant/accused.

Be put up on 16.05.2020 for arguments on bail application.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 7/2017
PS. Sadar Bazar
u/sec. 302/307/328/120-B/34 IPC
State v. Anish Yadav

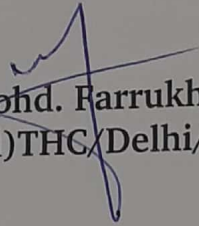
14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Manish K. Singh,, Ld. Counsel for applicant/accused.

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

Notice be issued to the SHO to file reply and verify the medical documents of the mother of the applicant/accused.

Be put up on 16.05.2020 for arguments on bail application.


(Mohd. Farrukh)
ASJ-05/(Central)THG/Delhi/14.05.2020

Bail application

FIR No. 17/2020

PS. Daryaganj.

u/sec. 392/394/411/34 IPC

State v. Aamir

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Basant Ballabh Mishra, Ld. Counsel for applicant/accused.
IO SI Bajrang in person. Reply filed.

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

Part arguments heard.

At the time of arguments, Ld. Counsel for the applicant submits
that he intends to withdraw the bail application. Heard. On his submission,
bail application of the applicant is dismissed as withdrawn.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

FIR No. 144/2019

PS. Jama Masjid

u/sec. 364-A/392/34 IPC

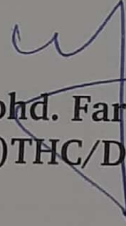
State v. Sikander

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ms. Rajni, Ld. Counsel for applicant/accused.
IO in person. Reply filed.

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

After some arguments, Ld. Counsel for the applicant submits that she intends to withdraw the bail application. Heard. On her submission, bail application of the applicant is dismissed as withdrawn.



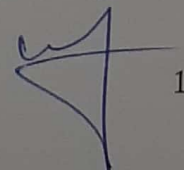
(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

14.05.2020

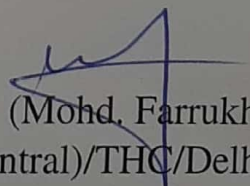
Present: Ms. Reeta Sharma, Ld. Addl. PP for State.
Sh. H.S. Dubey, Ms. Kirty Agarwal and Sh. George Tomes,
Ld. Counsels for applicant/accused.
Sh. Devender Hora, Ld. Counsel for complainant.
Reply has been filed.

1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground of urgent medical care required by his mother who is a widow and needs immediate medical attention as she is suffering from coronary artery diseases, chronic kidney diseases, hypertension, Type-II diabetes mellitus/diabetic nephropathy/diabetic retinopathy, hypothyroidism and bronchial asthma.
2. FIR No. 90/19 had been registered against the applicant/accused on the allegations that his co-accused Raj Kumar had committed rape upon the victim, made video and on that pretext, starting blackmailing her. Applicant/accused alongwith co-accused had given threat to the victim to kill.
3. On the other hand, Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that the allegations this case is pending trial.


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On verification of medical documents by IO, it is revealed that neither such Hospital is found opened nor the patient/mother of the applicant/accused and Doctors were present and no such Hospital exists there and Dr. Mahender Sagar has taken the room on rent for the purpose of compounder/first aid. The punishment in the charged offences is upto life imprisonment.

5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ). Having heard the arguments and having regard to the offences involved and further considering that no such Hospital was found in existence in which, mother of the applicant/accused is stated to have been admitted, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

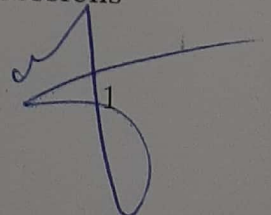
14.05.2020

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

Sh. Hari Kishan, Ld. Counsel for applicants/accused is present through video-conference.

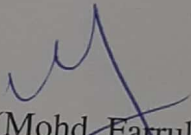
Common reply has been filed by Inspector Rajesh.

1. These are two separate applications seeking interim bail filed on behalf of applicants/accused.
2. Both the applicants/accused are facing trial in case FIR No. 64/14 for the offences U/s 302/201/34 IPC registered at PS Maurice Nagar, Delhi.
3. Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that this case is pending trial for the offences attracting punishment upto life or capital punishment and is at the stage of final arguments.
5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions



FIR No. 64/14
U/s 302/201/34 IPC
PS : Maurice Nagar
State Vs. Nawal @ Chintoo & Rinku

Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

FIR No. 64/14
U/s 302/201/34 IPC
PS : Maurice Nagar
State Vs. Nawal @ Chintoo & Rinku

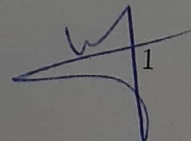
14.05.2020

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

Sh. Hari Kishan, Ld. Counsel for applicants/accused is present through video-conference.

Common reply has been filed by Inspector Rajesh.

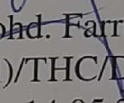
1. These are two separate applications seeking interim bail filed on behalf of applicants/accused.
2. Both the applicants/accused are facing trial in case FIR No. 64/14 for the offences U/s 302/201/34 IPC registered at PS Maurice Nagar, Delhi.
3. Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.
4. I have heard the arguments and perused the record. From the reply, it is reflected that this case is pending trial for the offences attracting punishment upto life or capital punishment and is at the stage of final arguments.
5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions



1

FIR No. 64/14
U/s 302/201/34 IPC
PS : Maurice Nagar
State Vs. Nawal @ Chintoo & Rinku

Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

Bail application
FIR No. 53/2020
PS. Civil Lines
u/sec. 376 IPC
State v. Akashay

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Sh. Himanshu Verma, Ld. Counsel for applicant/accused.

This is an application u/s 438 Cr.P.C. for grant of bail moved on behalf of applicant/accused.

Reply filed on behalf of IO.

After some arguments, Ld. Counsel for the applicant submits that he intends to withdraw the bail application. Heard. On his submission, bail application of the applicant is dismissed as withdrawn.


(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 70.19
U/s 302/34 IPC
PS : Sarai Rohilla
State Vs. Gautam

14.05.2020

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

Sh. Hari Kishan, Ld. Counsel for applicant/accused is present through video-conference.

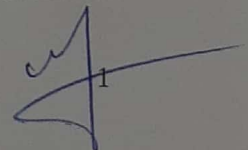
1. This is an application seeking interim bail filed on behalf of applicant/accused on the ground that his mother is seriously ill. Applicant/accused is in judicial custody since 14.10.2019.

2. FIR No. 70/19 has been registered at PS Sarai Rohilla for the offences U/s 302/34 IPC.

3. Ld. Addl. PP for State has vehemently opposed the interim bail application on the ground that allegations against the applicant/accused are serious in nature.

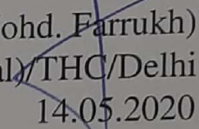
4. I have heard the arguments and perused the record. The offence in which present FIR has been registered against the applicant/accused attracts punishment upto life or capital punishment. Moreover, no document of illness of mother of applicant/accused has been filed with the bail application.

5. Observations have been given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. Vs. Union of India & Ors., Hon'ble Supreme Court of India in Suo Moto W.P. (C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions



FIR No. 70.19
U/s 302/34 IPC
PS : Sarai Rohilla
State Vs. Gautam

Judge (HQ). Having heard the arguments and having regard to the offences involved, such case does not fulfill the criteria of lenient view as mentioned by Hon'ble Supreme Court and Hon'ble High Court above. Same does not fall under the category of urgent hearing. Application is dismissed accordingly. A copy of this order be sent to the applicant/accused through the Jail Superintendent.


(Mohd. Farrukh)
ASJ-05 (Central)/THC/Delhi
14.05.2020

~~Bail~~ application
FIR No. 303/14
PS. Subzi Mandi
u/sec. 302/307/120-B IPC
State v. Surender

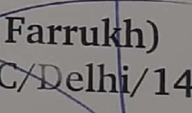
14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused (through video conferencing).

The proceedings in the present application have been conducted through video conferencing.

IO has sent a request letter and sought time for filing the reply of interim bail application and verify the medical documents of wife of accused.

At the request of IO, matter is adjourned for 18.05.2020.


(Mohd. Farrukh)
ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

~~FR~~ No. 182/2017

PS. Kamla Market

u/sec. 395/397/120-B/412/34 IPC & 25/27 Arms Act

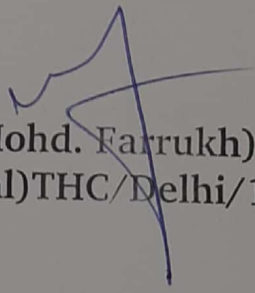
State v. Jawed @ Raja

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused(through video conferencing).

The proceedings in the present application have been conducted through video conferencing.

Jail Superintendent is directed to file the medical status report of the applicant/accused for 18.05.2020.


(Mohd. Farrukh)

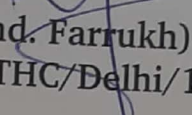
ASJ-05/(Central)THC/Delhi/14.05.2020

FIR No. 26/20
Bara Hindu Rao
u/sec. 376 IPC & 6 POCSO Act
State v. Gyan Singh Sharma

14.05.2020

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

Put up for consideration on 27.05.2020.


(Mohd. Farrukh)
ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application

FIR No. 134/2015

PS. Lahori Gate

u/sec. 395/397/412/34/120-B IPC & 25/28/54/59 Arms Act.

State v. Rizwan Khan

14.05.2020

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

A letter dated 14.05.2020 has been received from Dy. Superintendent, Tihar regarding clarification in respect of interim bail order dated 12.05.2020 of accused Rizwan Khan in aforementioned case. It is further submitted that bail was granted to the accused u/sec. 395/397/34 IPC but as per the custody warrant, accused was facing trial u/sec. 395/397/412/34 IPC & 25/28/54/59 Arms Act.

Perused the interim bail order dated 12.05.2020 and reply filed by the IO on 12.05.2020. In the said reply of the IO, he has mentioned u/sec. 395/397/412/34/120-B IPC & 25/27 Arms Act.

Accordingly, in view of the reply of IO dated 12.05.2020 and keeping in view the outbreak of Covid-19, u/sec. 395/397/412/34/120-B IPC & 25/27 Arms Act be read in the bail order dated 12.05.2020. All other conditions of the bail order shall remain same.

Copy of order be sent to concerned Jail Superintendent, forthwith for compliance.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application No.
FIR No. 772/15
PS. Timar Pur
u/sec. 354/354B/376-D IPC & 10 & 6 POCSO Act.
State v. Sunil Kumar

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused (through video conferencing).

The proceedings in the present application have been conducted through video conferencing.

Vide the present application, applicant/accused namely Sunil Kumar seeking modification/rectification of the bail order dated 11.05.2020 vide which he was granted interim bail. However, in the above order dated 11.05.2020, it has been mentioned that the interim bail application has been filed on behalf of accused/applicant Shankar Dass (Sunil). However, accused Sunil Kumar has not been released from Jail as Jail Officer stated that there is some confusion in the order dated 11.05.2020 regarding whom the bail order has been granted.

Perusal of the record revealed that the bail application has been filed by accused Sunil and not by Shankar Dass and therefore, the order dated 11.05.2020 granting interim bail is only with respect to the applicant Sunil Kumar.

In view of the aforementioned facts and circumstances, application is allowed to the extent that order dated 11.05.2020 granting interim bail of five days is with respect to the applicant/accused Sunil Kumar.

Copy of order be sent to concerned Jail Superintendent, forthwith for compliance.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 339/16
PS. Darya Ganj
u/sec. 395/397/412/120-B IPC r/w Sec. 25 Arms Act.
State v. Kishan Kumar

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for the applicant/accused (through video conferencing).

The proceedings in the present application have been conducted through video conferencing.

IO has filed reply to the bail application.

The Filing Section has not taken any steps to attach the trial court record alongwith bail application of accused/applicant.

Dealing Clerk from Filing Section has been called. He submits that he will ensure that aforementioned record be attached with the bail application.

In view of the same, put up on 15.05.2020.

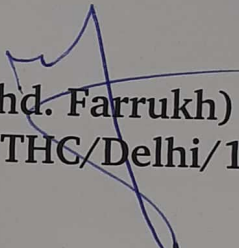
(Mohd. Farrukh)
ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 193/2012
PS. Sarai Rohilla
u/sec. 498A/406/506/34 IPC
State v. Amit Nath Saini

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
None for accused/applicant.

Put up for consideration on 10.06.2020.


(Mohd. Farrukh)
ASJ-05/(Central)THC/Delhi/14.05.2020

Bail application
FIR No. 266/14
PS. Chandni Mahal
u/sec. 302 IPC
State v. Fareed Ahmed

14.05.2020

Present : Ms. Reeta Sharma, Ld. Addl. PP for the State.
Ld. Counsel for applicant/accused Fareed Ahmed.

The present application u/sec. 439 Cr.P.C. has been filed on behalf of State seeking cancellation of interim bail to the accused by Ld. Duty MM vide order dated 12.04.2020 on the ground that the ld. Duty MM while granting interim bail to the accused has failed to appreciate that the accused is facing trial u/sec. 302 IPC for committing murder of his own wife who was just 25 years of age. It is further submitted by the Ld. Addl. PP for the State that the Ld. Duty MM has granted interim bail to the accused only on the ground of longevity of the accused in the J.C and on his submission that he was not keeping good health.

It is further submitted that the case of accused is not covered under the judgment of the Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as 'Shobha Gupta and Ors. V. Union of India & Ors.', Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020, have been issued by Ld. District & Sessions Judge (HQ) as the maximum punishment provided for the offence for which the accused is facing trial has up to capital punishment or life imprisonment.

It has been further argued that said bail application was not maintainable before the Ld. MM in view of the judgment of "**Prahlad Singh Bhati v. N.C.T. Delhi & Anr.**", as per which the Magistrate should not make



an adventure of exercising the powers u/sec.437 Cr.P.C. in respect of the commission of crime providing sentence of death or imprisonment for life.

Per contra Ld. Counsel for the applicant has argued that the impugned order dated 12.04.2020 granting interim bail is appropriate in the facts and circumstances of the case of the accused.

I have heard the rival contentions of Ld. Addl. PP for the State and counsel for the accused and have gone through the record including the record of the bail application of the Ld. Duty MM dated 12.04.2020.

The accused has filed the bail application u/sec. 439 Cr.P.C. before the Ld. D.J(Central)District Courts, Tis Hazari, Delhi as reflected in the bail application. However, the said bail application came up before Ld. Duty MM who failed to notice that the bail application has been filed u/s 439 Cr.P.C. and the same is maintainable only before the court of Sessions and particularly when the offence for which the accused has been charged is u/sec. 302 IPC. Accused is facing trial before the Ld. Sessions Court for the last about five years and thus it would have been sagacious on the part of the Ld. Duty MM not to exercise the discretion to dispose of the present bail application.

Furthermore, the grounds taken in the bail application seeking interim bail is with regard to the poor health of the accused. However, no record regarding medical status of the applicant has been sought from the Jail Superintendent in order to verify the same. Order dated 12.04.2020 passed by Ld. Duty MM is laconic and non-speaking. The Hon'ble Supreme Court in "*Umer Usman Chamadia v. Abdul & Anr.* JT 2004(2SC176) has deprecated, the practice of passing non speaking order without discussing any reason for passing such orders.

The present case of the accused does not fall within the category of judgment of Hon'ble Supreme Court and the Hon'ble High Court with regard to granting of the bail to the accused persons due to the outbreak of Covid-19.



In view of the aforementioned facts and circumstances, inevitable conclusion is that granting of interim bail to the accused by the Ld. Duty MM was not proper and therefore, the *said impugned order is set-aside and interim bail granted to the accused stand canceled and the application of the State is allowed.*

The accused has not been released and is in JC as stated by the Ld. Addl. PP for the State.

Copy of order be sent to concerned Jail Superintendent.

(Mohd. Farrukh)

ASJ-05/(Central)THC/Delhi/14.05.2020