

B. A. No. 2085
FIR No. 420/2020
PS: Subzi Mundl
State Vs. Rajesh
U/s 33 Exelse Act

08.12.2020

Fresh application received. Be registered.

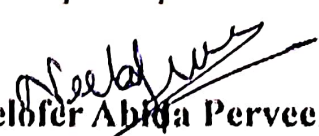
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Deepak Sharma, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rajesh in case FIR No.420/2020.

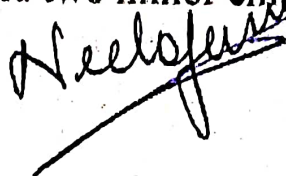
Arguments heard. For orders, put up at 4 pm.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rajesh in case FIR No.420/2020.

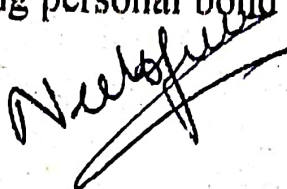
Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That nothing incriminating has been recovered from the possession of the accused-applicant. That investigation is completed and there is no requirement of accused-applicant for any other purpose. That accused-applicant is the sole bread earner for his family consisting of his wife and two minor children.



Ld. Addl. PP for State submits that accused-applicant is on the bad character's roll of the PS Subzi Mandi and is habitual offender. Case of the prosecution is that on 05/11/2020, Ct. Sandeep were on patrolling duty along with Ct. Dinesh and while patrolling in the area at around 12:30 AM, when they reached near Sarkari Shulabh Souchalya, Kabir Basti, they saw accused-applicant Rajesh, who is on the bad character's roll of the PS, was trying to take the alcohol contained in a box inside his house No. T-1209, Kabir Basti, who got perplexed on seeing the police personnel coming towards him. Police officials apprehended him and on checking the cardboard box (Chatta peti), it was found containing illegal liquor quarter of Haryana. Ct. Sandeep informed at police station. That accused-applicant does not have clean antecedents and has previous involvement in number of criminal cases. That accused-applicant does not deserve any leniency from the Court.

Heard.

The accused-applicant is sighted removing cardboard box containing illicit liquor from near Shulabh Shauchalya to inside his house, and there were 17 boxes containing 50 quarters of illicit liquor lying outside the shulabh shauchalya recovered in this case. the place of incident is a residential area but there are no independent witnesses joined in the recovery. The accused-applicant has previous involvement in several criminal cases of serious nature though not under the Delhi excise Act, in some of them he stands acquitted, in some has been discharged and has served the sentence in two cases. Taking into consideration the nature of the accusation and the custody undergone and as the further custody is not sought for the purposes of investigation, the present application is allowed and accused Rajesh is granted regular bail in case FIR No.420/2020 upon his furnishing personal bond with one local surety in the sum



of Rs. 50,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and subject to the condition that the accused-applicant shall not indulge in criminal activities, shall not leave the NCR region without prior permission of the IO, shall mention the mobile phone number to be used by him in the bond which number it shall be ensured by him is kept on switched on mode with location activated and shared with the IO at all times, shall scrupulously appear on each and every date of hearing before the Ld. Trial Court, and shall not delay, defeat or subvert the trial, shall not threaten intimidate influence witnesses nor tamper with evidence and shall not interfere with the trial in any manner whatsoever, the accused and the surety shall not change their mentioned and verified addresses and mobile phone numbers without prior intimation to the IO. The accused-applicant shall get his presence marked with the IO on the first day of every month. Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

B. A. No. 2089
FIR No. 422/2020
PS: Civil Lines
State Vs. Lala @ Kayamuddin
U/s 33 Excise Act

08.12.2020

Fresh application received. Be registered.

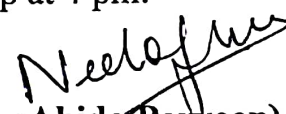
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Sandeep Gupta, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Lala @ Kayamuddin in case FIR No.422/2020.

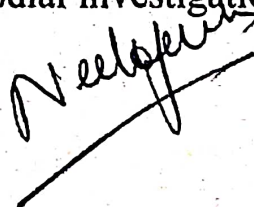
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Lala @ Kayamuddin in case FIR No.422/2020.

Ld. counsel for the accused-applicant has contended that the applicant has been falsely implicated in a pre-planned manner and has not committed any offence. That the applicant is an innocent and has clean antecedents. That the recovery has already been made and applicant is not required for any kind of custodial investigation. That the mother of the applicant



is not well and admitted in the hospital and there is no one to take care of her.

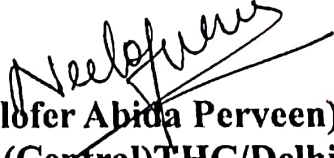
Ld. Addl. PP submits that accused-applicant is a habitual offender and is involved in criminal activities. Case of the prosecution against the accused-applicant is that on 13.10.2020 accused Lala @ Kayamuddin was found in possession of illicit liquor, which was being transported in a Grey colored Santro Car bearing registration No. DL-3C-AL-3445 at Pataleshwar Mandir, Opposite Monastery Market, ISBT, Delhi. Total 312 Bottles and 700 quarters of Desi Masaledaar Santra Sharab were recovered from the car. During interrogation, accused/applicant disclosed that he used to transport the illicit liquor from Delhi to the cities of UP, Orissa and Bihar. That accused-applicant does not have clean antecedents and has involvement in 8 criminal cases out of which one is registered under Section 307 IPC.

Heard.

Illicit liquor is allegedly recovered from search of vehicle Grey colored Santro Car bearing registration No. DL-3C-AL-3445. The reply of the IO does not disclose as to whether the accused-applicant was in the vehicle whether the vehicle belonged to the accused-applicant and from where the recovery is effected as also the manner in which the recovery is effected, whether police was acting on a tip off or it was a surprise checking of vehicles and whether any independent public witnesses were joined in the recovery proceedings. The accused-applicant is in custody in connection with the present case since 13.10.2020. Chargesheet is not yet filed and investigation is stated to be pending but it is not disclosed as to on what aspects the investigation remains pending and why is the further custody of the accused-applicant necessary for the purposes of investigation. There are several other criminal cases registered however no conviction is alleged against the accused-applicant.

Nelapuri

Taking into consideration the nature of the vague nature of the accusations and period in custody, the present application is allowed and accused Lala @ Kayamuddin is granted regular bail in case FIR No.422/2020 upon his furnishing personal bond with one local surety in the sum of Rs. 50,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and subject to the condition that the accused-applicant shall not indulge in criminal activities, shall not leave the NCR region without prior permission of the IO, shall mention the mobile phone number to be used by him in the bond which number it shall be ensured by him is kept on switched on mode with location activated and shared with the IO at all times, shall scrupulously appear on each and every date of hearing before the Ld. Trial Court, and shall not delay, defeat or subvert the trial, shall not threaten intimidate influence witnesses nor tamper with evidence and shall not interfere with the trial in any manner whatsoever, the accused and the surety shall not change their mentioned and verified addresses and mobile phone numbers without prior intimation to the IO.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

B. A. No. 2075
FIR No. Not Known
PS: Timarpur
State Vs. Samar
U/s Not Known

08.12.2020

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

Counsel for accused-applicant (through video conferencing)

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Samar.

Reply is filed. Copy is forwarded to the Ld. counsel for accused-applicant. Ld. counsel for accused-applicant submits that at the time of filing of present application, he was not aware of the details and particulars of the FIR, if any, registered against the accused-applicant and now reply that has been forwarded to him in which the particulars of the FIR have been disclosed. Ld. counsel for accused-applicant seeks leave of the Court to withdraw the present application to enable him to take appropriate steps before the appropriate court as and when so required in connection with the FIR so registered against him. It is ordered accordingly. This application u/s 438 Cr.P.C for grant of ^{anticipatory} bail on behalf of accused-applicant Samar is dismissed as withdrawn.

(Neelofer Abida Perveen)
ASJ (Central)TMC/Delhi
08.12.2020

B.A. No. 1952
FIR No. Not Known
PS Wazirabad
State v. Khurshid
U/s Not Known
08.12.2020

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

Sh. Anuj Arora, Counsel for accused-applicant (through video conferencing)

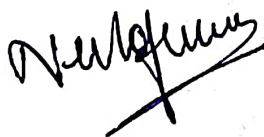
Hearing is conducted through video conferencing.

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

Reply is already filed and is forwarded to the Ld. Counsel for the applicant.

It emerges that the present application came to be filed as the applicant who has instituted a complaint under section 200 Cr.PC with an application under section 156(3) against three persons namely A. Ansari , Ms. Farah and Ms. Khalda for cheating forgery and criminal intimidation amongst other offences, was apprehending unlawful arrest by the police of PS Wazirabad on a false complaint of Ms Khalda only to put pressure upon him to withdraw the complaint case that is pending against the above named persons.

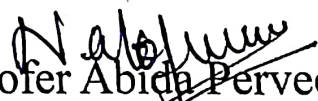
Reply is filed of the State on the last date of hearing itself to the effect that FIR No. 618/2020 is registered on 22.11.2020 at PS Wazirabad, against the applicant and another accused namely Faizan for



commission of offences under section 376D/506 IPC.

It emerges that one discrepancy has crept in the previous order as inadvertently this application has come to be recorded as an application for anticipatory bail filed in Case FIR No. 618/2020. The FIR number was revealed in the reply filed by the IO, and the application at hand is not infact an application for grant of anticipatory bail in case FIR No. 618/2020. The necessary correction in the previous date order be made in red pen under the signatures of the Court, in the first line as also the note above identifying the application, and the same be uploaded thereafter.

As the applicant is named as an accused in case FIR no. 618/2020 registered with PS Wazirabad for commission of offences under section 376D/506 IPC and the present application for grant of anticipatory bail is not in case FIR No.618/2020, and no relief in reference to the said FIR is being sought under the present application, the present application for grant of anticipatory bail is dismissed however, without in any manner affecting the remedies available to the applicant as per law, which the applicant may be so advised to avail as an accused in case FIR No.618/2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

B. A.2087
FIR No. 320/2020
PS Civil Lines
State v. Sumit
U/s 392/34 IPC

08.12.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Nitin Gupta, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Sumit in case FIR No. 320/2020.

Arguments are heard in part.

It emerges that chargesheet is required for the purpose of the disposal of the present bail application. **Chargesheet be requisitioned for the next date of hearing.**

Reply is filed. Same is already received by Ld. counsel.

For further consideration, put up on **15.12.2020**, the physical hearing date of the Court.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

B. A.2086
FIR No. 239/2020
PS Roop Nagar
State v. Nagesh @ Rajesh
U/s 366/379/411/34 IPC

08.12.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Vinod, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

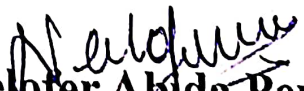
This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Nagesh @ Rajesh in case FIR No. 239/2020.

Arguments are heard in part.

Ld. Addl. PP submits that accused-applicant is a vagabond and his permanent or any other address is not known to the investigating agency.

Ld. counsel for accused-applicant submits that matter is being pursued on behalf of the accused-applicant by his brother and that family of the accused-applicant is very much residing in Delhi but in a rented accommodation. Let parokar shall file the permanent residential address, residential address at the time of arrest of the accused-applicant and any other known address available of the accused-applicant on or before the next date of hearing.

For further consideration, put up on 16.12.2020.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

B. A.3209
FIR No. 57/2020
PS Civil Lines
State v. Mrs. Ridhi Kumar
U/s 420/34 IPC

08.12.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. S. S. Panwar, Counsel for accused-applicant (through video conferencing)
Sh. Vivek Sikngh, counsel for complainant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Mrs. Ridhi Kumar in case FIR No. 57/2020.

Arguments heard.

Ld. Counsel for the applicant submits that the entire record has been furnished before the investigating agency by the applicant and that the same shall be forwarded to the Court before the next date of hearing and that written submissions are already forwarded on the email ID of the Court.

For orders/clarifications, put up on 10.12.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 140/2018
PS Kotwali
State v. Rajesh Patel
M.No.42

08.12.2020

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

Ms. Divya Upadhyay, Counsel for accused-applicant (through video conferencing).

Hearing is conducted through videoconferencing.

This is an application for release of RC of vehicle bearing NO.DL-8SBU3599 on superdari on behalf of accused-applicant.

Office has filed report.

For orders, put up on 09.12.2020, with file, on the physical hearing date of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 140/2018
PS Kotwali
State v. Sanjay Gupta
M.No.43

08.12.2020

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

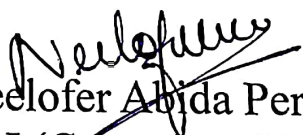
Ms. Divya Upadhyay, Counsel for accused-applicant (through video conferencing).

Hearing is conducted through videoconferencing.

This is an application for release of RC of vehicle bearing No.DL-1CAA9276 on superdari on behalf of accused-applicant.

Office has filed report.

For orders, put up on **09.12.2020**, with file, on the physical hearing date of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 140/2018
PS Kotwali
State v. Nitin Sharma
M.No.44

08.12.2020

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

Ms. Divya Upadhyay, Counsel for accused-applicant (through video conferencing).

Hearing is conducted through videoconferencing.

This is an application for release of RC of vehicle bearing NO.DL-2CAN2577 on superdari on behalf of accused-applicant.

Office has filed report.

For orders, put up on **09.12.2020**, with file, on the physical hearing date of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 140/2018
PS Kotwali
State v. Mukesh Verma
M.No.45

08.12.2020

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

Ms. Divya Upadhyay, Counsel for accused-applicant (through video conferencing).

Hearing is conducted through videoconferencing.

This is an application for release of RC of vehicle bearing NO.DL-13SS7174 on superdari on behalf of accused-applicant.

Office has filed report.

For orders, put up on **09.12.2020**, with file, on the physical hearing date of the Court.


(Neelofar Avida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

FIR No. 140/2018
PS Kotwali
State v. Vishnu Kumar Aggarwal
M.No.46

08.12.2020

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

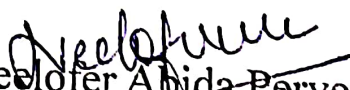
Ms. Divya Upadhyay, Counsel for accused-applicant.

Hearing is conducted through videoconferencing.

This is an application for release of RC of vehicle bearing NO.DL-4CAY2086 on superdari on behalf of accused-applicant.

Office has filed report.

For orders, put up on 09.12.2020, with file, on the physical hearing date of the Court.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 567/2020
PS Wazirabad
State v. Babu Lal
U/s 20/25 NDPS Act

08.12.2020

Fresh application received. Be registered.

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

None for accused-applicant.

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Babu Lal in case FIR No. 567/2020 on the ground of marriage of his niece.

None has joined Webex hearing on behalf of the accused-applicant.

Ld. Addl. PP submits that the IO has sought time to verify the factum of marriage of niece of the accused-applicant as interim bail is sought on this ground. Let the same be verified alongwith family status and report be filed on or before the next date of hearing

For reply and consideration, put up on **10.12.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 532/2020

PS: Civil Lines

State Vs. Geeta

08.12.2020

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

None for accused-applicant.

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Geeta in case FIR No. 532/2020.

None has joined Webex hearing on behalf of the accused-applicant. In the interest of justice, matter be called out again at the end of the list.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

At 10.45 am

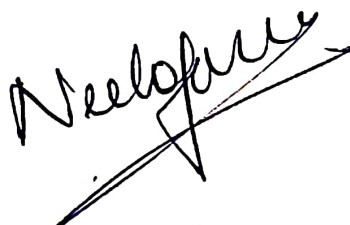
Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Deepak Ghai, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Geeta in case FIR No. 532/2020.

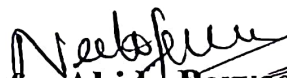
Ld. Addl. PP submits that IO has filed reply on merits and not on the ground raised for interim bail i.e. marriage of nephew of the



accused-applicant. That factum of marriage of nephew of accused-applicant is yet to be verified.

Let factum of marriage of nephew of accused-applicant alongwith family status be got verified and report be filed on or before the next date of hearing.

For report and consideration, put up on 11.12.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 418/2020
PS: Gulabi Bagh
State Vs. Seema
U/s 21/61/85 NDPS Act

08.12.2020

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

Sh. B. L. Madhukar, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Seema in case FIR No. 418/2020.

Report is received from Jail Superintendent concerned in pursuance to the previous order. Copy of the same is also received by Ld. counsel for accused-applicant.

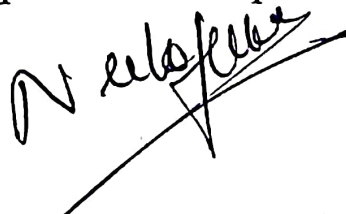
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Seema in case FIR No. 418/2020.

Ld. counsel for the accused-applicant has contended that the first bail application filed on behalf of the applicant/accused was declined by this Hon'ble Court after length of arguments on merits of the case vide order dated 24.11.2020. The applicant has preferred the present bail application seeking

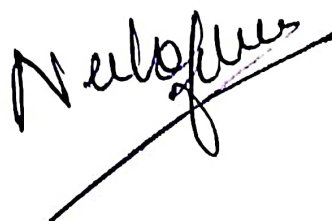


interim bail on medical grounds. That the condition of the applicant/accused is deteriorating day by day and during this period of pandemic, the applicant/accused is inside the Jail, where there are lots of chances that the applicant/accused can be within the grip of Covid-19. That the applicant is a sick lady of 56 years age, who has been planted in the present false and frivolous case. That the applicant is an acute patient of Hypertension, Blood Pressure, Heart Trouble, with the result, that on many of the occasions, blood had come in her vomiting. Once the condition of the applicant/accused had become so critical, she was admitted in St. Stephens Hospital w.e.f. 05.11.2019 to 08.11.2019, where she was treated for the ailment she has been suffering from. The C.T. Scan was also conducted. That inside the jail, the proper and better treatment cannot be provided to the applicant, and due to lack of adequate treatment her condition is deteriorating day by day. That the applicant was arrested on 11.10.2020 and since then the applicant/accused has languishing in Jail.

Ld. Addl. PP submits that as per report of received from Jail, the medical health condition of the accused-applicant is satisfactory and stable and there is no requirement for any urgent medical attention to the accused-applicant.

Heard.

Medical health condition report in respect of the accused-applicant was called for. As ^{per 19} report, the accused-applicant gave history of hysterectomy (for 27 Uterine Fibroid), however no medical documents were provided by her. That her routine investigations were done in CJ-06 Dispensary and reports were normal. That On 13/11/2020, during routine



examination her blood pressure was very high, the Doctor on duty prescribed her medicines for Hypertension and since then she is on Antihypertensive medicines. That on 01/12/2020, she was reviewed by Jail visiting medicine SR. During examination her blood pressure was normal and Doctor advised her to continue the same medicines. All prescribed medicines are provided to her from CJ-06 Dispensary. On 04/12/2020 she again was reviewed by Jail visiting Medicine SR. On examination, her blood pressure was high. Doctor advised her for low salt diet and counseled her to take medicines regularly as prescribed. At present, her health status is satisfactory and she is on Antihypertensive medicines.

The accused-applicant has been provided with the medication for hypertension, a condition that is to be managed with medication over long periods and often throughout life. It is not such an ailment that can be cured though it can be controlled with regular medication. The accused-applicant has been prescribed the medication which is being provided from the Jail dispensary and has been advised to take the medication regularly. It is upto the applicant to ensure that she is taking the medicines regularly without fail. There is no such medical condition that is incapable of being attended to in custody, requiring hospitalization or any kind of surgical procedure. In view of the report therefore there arises no ground for release on interim bail due to ill health. The application is accordingly dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

FIR No. 389/2020
PS Civil Lines
State v. Saraswati
U/s 21/61/85 NDPS Act

08.12.2020

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

None for 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 45 days on behalf of accused Saraswati in case FIR No. 389/2020.

None has joined Webex hearing on behalf of the accused-applicant. In the interest of justice, matter be called out again at the end of the list.

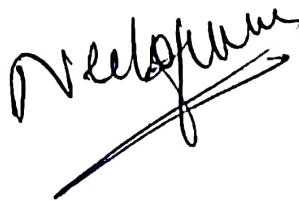

(Neelofer Akida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

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

None for 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 45 days on behalf of accused Saraswati in case FIR No. 389/2020.



None has joined Webex hearing on behalf of the accused-applicant.

Reply is filed. Copy of the same be forwarded on the email ID of the Ld. counsel for accused-applicant.

In the interest of justice, for consideration, put up on 21.12.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

FIR No. 122/2019
PS Crime Branch
State v. Suraj Yadav @ Guddu
U/s 20/25/29 NDPS Act

08.12.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Ashok Mishra, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Suraj Yadav @ Guddu in case FIR No. 122/2019.

Arguments heard in part on behalf of the accused-applicant.

Reply is not filed.

Ld. Addl. PP submits that IO seeks time to file reply as he could not file the same due to his official engagements.

In the interest of justice, for reply and arguments, put up alongwith chargeheet on **19.12.2020**, the physical hearing date of the Court.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
08.12.2020

B.A. No. 3707
FIR No. 342/2020
PS Wazirabad
State v. Deepu @ Deepak
U/s 336/506/440/34 I
PC & 25/27 Arms Act

08.12.2020 at 4pm

ORDER

This is an application u/s 439 Cr.P.C for grant of bail on behalf of accused-applicant Deepu @ Deepak in case FIR No. 342/2020.

Ld. counsel for the accused-applicant has contended that the co-accused namely Sahil & Parmod has already been granted bail vide order dated:16-09-202 and another co-accused namely Monu@Ranjeet has also been granted bail vide order dated-19-09-2020 and co-accused namely Rajat Mahajan has already been granted bail vide order dated 29-09-2020. That all the co-accused are now on bail, and that all the offences except for the offence under section 25 of the Arms Act are bailable and that there is no independent witness associated in the recovery of the Arms. That the investigation has already been completed, chargesheet is now filed and the applicant/accused is no more required for any further investigation. That the previous application for bail was dismissed but it was filed before the filing of the chargesheet. That the alleged previous involvement are all for the period when he was tried as a juvenile and that except for the present case there was another criminal case registered against the accused-applicant at the behest of the present complainant in which he was discharged.

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Ld. Addl. PP for State submits that the accused-applicant does not have clean antecedents and previous involvements in four other cases and there is every likelihood that accused-applicant may influence the complainant. That complainant with her daughter appeared before the Hon'ble Court and has leveled serious allegations against the accused-applicant. That last bail application of the accused-applicant was dismissed on 20.10.2020 and that the complainant and her daughter was called and heard in person and the application was dismissed on the likelihood that the accused may misuse the concession. That and threaten and harm th

Heard.

Case of the prosecution is that on 30.08.2020, accused-applicant alongwith his associates visited the house of the complainant and caused damaged to the household articles and also fired gunshots in the air in order to threaten the complainant. There is a backdrop to this incident that occurred on 30.8.2020. The daughter of the complainant earlier had eloped with the accused-applicant in respect whereof FIR no. 281/2020 was registered u/s 363 IPC, the daughter of the complainant was recovered and sent to Nari Niketan, however the accused-applicant was acquitted in the same as the daughter of the complainant had turned hostile. The daughter of the complainant thereafter was handed over to the mother, the complainant and since then has been residing with her mother. When the last bail application was disposed the complainant and her daughter also appeared and expressed their concerns if the accused-applicant was to be released on bail as the daughter of the complainant though she has

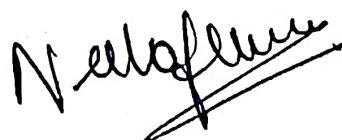
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solemnized marriage with the accused applicant has realized that he has criminal antecedents and is no longer desirous of continuing in any kind of relationship with the accused applicant. The complainant is a widow and her one son became paralysed in a motor vehicular accident. The accused-applicant as a juvenile was involved in criminal cases under section 307 and another under section 302 IPC, though the status thereof has not been filed as to whether those two cases ended in acquittal or conviction. The accused-applicant after a considerable hiatus of over four years is thereafter entangled in this love affair with the daughter of the complainant arising out of which essentially two FIR's have come to be registered against him. The accused-applicant has not now for a period of over four years involved himself in any other criminal activities, though he does not appear to have steered himself clear of the course of criminality and his approach to adversity still is the use of threats and coercion. Both the offences alleged against him punishable under the IPC are bailable in nature, however it is also alleged that he was found in possession of one countrymade pistol with two live cartridges made punishable under section 25 of the Arms Act, 1959 punishment prescribed for which is Imprisonment not less than five years but which may extend upto ten years. The accused-applicant to threaten the complainant and her daughter had fired gunshots though in the air.

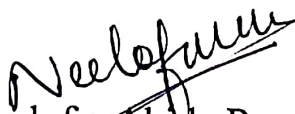
The last bail application which was filed before the filing of the chargesheet was dismissed taking into consideration that the accused-applicant ransacked the house of the complainant with four of his

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associates, engaged in hooliganism, and in order to instill fear in the complainant and her daughter for her refusal to accompany him fired gunshots, further illegal arms and ammunition are also recovered from his possession, as also the backdrop to the incident, the family situation of the complainant, the apprehension expressed by the complainant and her daughter, and as the antecedents of the accused-applicant have not been clean. The investigation is now complete and chargesheet is filed and was requisitioned for the purposes of the present application. It emerges that in respect of the incident in question or the motive aspect, the prosecution has not cited the daughter of the complainant as a witness. In such circumstances therefore there arises no occasion for the accused-applicant despite the history to be able to influence any witness in the present case. Further towards the recovery of the Arms and ammunition there are no independent witnesses cited. The chargesheet is now filed and trial is yet to commence and taking stock of the prevailing situation arising from the outbreak of Covid-19 pandemic trial is likely to take some time to conclude. In such totality of the facts and circumstances and upon such consideration the present application is allowed, and accused Deepu@Deepak is granted regular bail in case FIR No.342/2020 upon his furnishing personal bond in the sum of Rs. 20,000/- with two sureties in the like amount to the satisfaction of the Ld. Trial Court /Duty MM and upon the conditions that he shall cooperate in every manner with the ongoing investigation as and when called upon to do so by the IO, he shall appear on each and every date of hearing before the Ld. Trial Court and shall not delay



nor defeat the trial or interfere with the trial in any manner whatsoever, he shall not threaten intimidate or influence witnesses nor tamper with the evidence in any manner whatsoever, he shall mention the mobile phone number to be used by him in the bond and shall ensure that the same is kept on switched on mode with location activated and shared with the IO at all times, the surety shall also intimate the IO in the event of change of their mobile phone number or address mentioned in the bond. The accused-applicant under no circumstances shall be seen within 100mts of the complainant or her residence. He shall get his presence marked with the IO on the 1st day of every month.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

B. A. No. 3337
FIR No. 315/2019
PS: Subzi Mandi
State Vs. Manish Kumar
U/s 406/498A/34 IPC

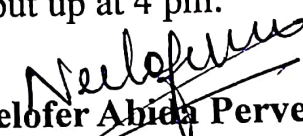
08.12.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. H. N. Pandey, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Manish Kumar in case FIR No.315/2019.

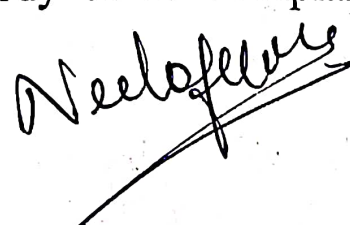
Arguments heard. For orders, put up at 4 pm.


(Neelofer Ahida Perveen)
ASJ (Central)THC/Delhi
08.12.2020

At 4 pm
ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Manish Kumar in case FIR No.315/2019.

Ld. counsel for the accused-applicant submitted that the accused is innocent and has apprehension of his arrest by the police on the false complaint of the complainant. That the marriage of the applicant solemnized with complainant on 31.10.2017 and one son is born from this wedlock who is in custody of the complainant. That during stay in the



matrimonial complainant used to say that the applicant used to say that her marriage has been solemnized with the applicant against her wishes and she has no love and affection towards the applicant/petitioner. That on 7.8.2019 the complainant picked quarrel with the applicant and hit a lock on the head due to which he received head injury. The applicant was taken to jai Prakash Narain 'Apex Trauma Centre (AIIMS) Delhi by the PCR where he was treated. That the applicant has lodged the complaint to the senior police officials but till today no action has been taken by the concerned SHO/IO. That in order to save her skin the complainant has filed false case under the provision of DV Act. That the applicant has filed Divorce case against the complainant and the complainant has also filed counter divorce petition. That vide order dated 04.11.2020, accused-applicant has joined the investigation and has cooperated with the investigation and that custodial interrogation of the accused-applicant is not required as per the report filed of the IO.

Ld. Addl. PP submits that as per reply of the IO notice under Section 91 CrPC has been served upon the complainant to provide related documents and reply from complainant has been received. That notice under Section 41 A CrPC has been served upon the accused-applicant to join the investigation. That custodial interrogation is not sought by the IO.

Heard.

Brief facts of the case are that 23/07/2019, wife of the accused-applicant filed a complaint before CAW Cell, Subzi Mar Delhi against Sh. Manish Kumar (husband), Sh. Jagdish Kumar (father-in-law), Maya Devi (Mother-in-law), Parveen Kumar(jeth), Pooja (Jethani) and Mr Karan son of

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Sh Mangal Ram in which she alleged that she got married according to Hindu rites and customs to Mr. Manish Kumar on 31.10.2017 and that she was treated with cruelty and harassed by all the accused for insufficient dowry. It emerges from the contents of the FIR that in January 2019 she and her husband shifted to at rented accommodation where they were living separately from the rest of the in-law family members where on the very first day the accused-applicant asked her to go back to her parents home and threatened to make her life a living hell, never used to give expenses for the milk/baby food of the child, and on 07.07.2019 at about 11:00 PM he came home drunk and he was screaming and shouting at her, she asked him why he is so drunk instead of replying her in a rational manner, he started abusing her and said that he wanted to remarry and also caused injury to her upon which she called the PCR, who took the complainant to hospital and present case was registered.

The accused-applicant has joined investigation in pursuance to the previous order and as per the report filed by the IO, notice under section 41A is served upon him at this stage there being not sufficient grounds for his arrest and the custodial interrogation is not sought. Under such facts and circumstances, therefore the present application is allowed and it is ordered that in the event of his arrest in Case FIR no.315/2019 accused-applicant Manish Kumar be released on bail upon his furnishing personal bond with one surety in the sum of Rs. 20,000/- each to the satisfaction of the IO concerned. The application is disposed of accordingly.


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08.12.2020