

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No.114/20**

**PS : Nangloi**

**State Vs. Kamal**

**U/s. 20/61/85 NDPS Act**

28.07.2020

**The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

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

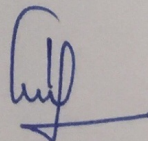
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Accused in person on interim bail alongwith Sh. Pranay Abhishek, Ld. Counsel.

IO filed reply. Copy given.

This is a regular bail application. Though accused is on interim bail vide order dated 29.05.2020 till 29.07.2020 i.e. till tomorrow. As per the reply of the IO there is no mention in the reply whether challan has been filed or not. However, IO has opposed the bail application on the ground that FSL result has not come and if accused released on bail he will commit the same offence.

I have perused the record. It is admitted fact that accused is on interim bail pursuant to order dt. 29.05.2020 which is going to expire on

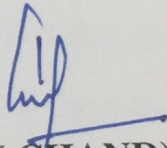
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29.07.2020. Hon'ble High Court in **W.P.(C) 3037/2020** titled as **Court on its own motion Vs. State & Ors.** has been pleased to extend the interim bail/pay roll of UTPs/convicts, who were on interim bail before or after 15.03.2020 till 31.08.2020 vide its order/judgment dated 13.07.2020. Since present applicant is already on interim bail, his interim bail is already extended till 31.08.2020 and no further order is required to be passed by this court.

At this stage, Ld. Counsel for applicant wishes to withdraw the present bail application. Hence, present bail application is dismissed as withdrawn.

Copy of this order be sent to Superintendent jail. Copy be also given dasti to Ld. Counsel for applicant/accused, as prayed.

  
(**POORAN CHAND**)  
**ASJ-02/West/Delhi**  
**28.07.2020**

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No.165/20**

**PS :Patel Nagar**

**State Vs. Deepak & Ors.**

**U/s. 307/302/324/34 IPC**

28.07.2020

**The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

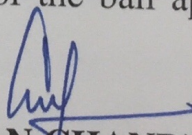
This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Pankaj Tripathi, Ld. Counsel for applicant/accused.  
SI Satyavir present on behalf of IO/SHO/Inspector Ramesh Chander, PS Patel Nagar.

Reply filed.

It is submitted by SI Satyavir that IO of this case is busy in encounter case being SHO of the concerned P.S. and seeks two days time to file reply in this case. IO is directed to file reply on or before next date with advance copy of reply to Ld. Counsel for accused.

Put up for filing of reply and hearing of the bail application on 30.07.2020.

  
**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.122/20  
PS : Patel Nagar  
State Vs. Adi @ Raju  
U/s. 392/397/34 IPC

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

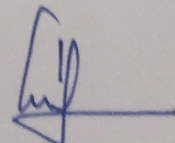
This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Adi @ Raju.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Anil Sangwan, Ld. Counsel for applicant/accused.  
ASI Virender Kumar, IO in person.

IO filed reply in continuation of the earlier reply dated 25.07.2020 qua verification of medical documents of the wife of applicant/accused. Copy given.

This is an bail application for seeking interim bail on the ground of pregnancy of the applicant's wife which is stated to be due on 04.08.2020. It is further argued by Ld. Counsel for applicant that beside the applicant there are old age parents in the family and the father is TB patient and is under treatment. It is further argued that challan has been filed in the court and trial will take

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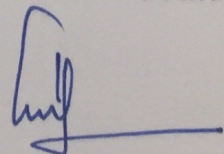


time. It is also argued that there is no apprehension that accused will tamper the evidence. Accused is stated to be in JC since 10.04.2020. Therefore, it is prayed that in view of the facts that there is no adult member in the family to look at the wife at the advance stage of the pregnancy, applicant may be granted interim bail for 45 days by imposing any condition which this Hon'ble Court deems fit.

Per contra, I heard Ld. State Counsel and IO on the bail application. IO filed this reply verifying the medical record of the wife of applicant/accused stating that she is in family way and as per hospital report the due date of her delivery is in the month of August, 2020. IO has also verified the medical record qua the disease of TB of the father of applicant which is correct. However, Ld. State Counsel opposed the bail stating that mother of applicant is available in the family to take care of his wife. Hence, bail application may be dismissed.

In view of the facts and circumstances of the case and the fact that there is no other adult member in the family to look after the wife of applicant and also the fact that challan had already been filed in the court, it is a fit where applicant be admitted to interim bail for 45 days to enable him to look after his wife during pregnancy and at the time of delivery of the baby. Hence, order accordingly. Applicant/accused is admitted to interim bail for 45 days from the date of release, subject to furnishing personal bond in sum of Rs. 30,000/- with

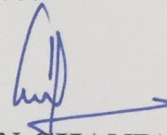
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one surety of the like amount for the satisfaction of MM/duty MM of the concerned district. Bail application is disposed off accordingly.

Nothing said herein shall tantamount to have effect on the merits of the case.

Copy of this order be given dasti, as prayed.



**(POORAN CHAND)**

**ASJ-02/West/Delhi**

**28.07.2020**

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.710/20

PS :Nangloi

State Vs. Razzak

U/s. 302/34 IPC & 25/27 Arms Act

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Anil Vats, Ld. Counsel for applicant/accused.  
WSI Reena present on behalf of IO/Inspector Vipin Kumar.

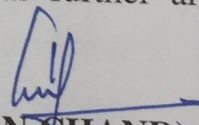
Reply filed on behalf of IO. Copy supplied.

Part arguments heard.

At this stage, WSI Reena submits that IO of this case is on leave today.

Ld. State Counsel submits that certain clarification are required from IO, hence, IO may be called for next date. Heard. Allowed.

Put up for appearance of IO as well as further arguments on 04.08.2020.

  
(POORAN CHAND)

ASJ-02/West/Delhi

28.07.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No. 90/17  
PS : Punjabi Bagh  
State Vs. Sakawat  
U/s 186/353/307/34 IPC & 25/27 Arms Act**

28.07.2020

File taken up today as applicant/accused Sakawat has moved an application u/s 439 Cr.P.C. for grant of interim bail on the criteria of High Powered Committee (HPC) of Hon'ble High Court of Delhi.

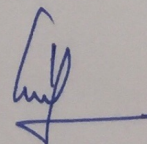
Present : Sh. Rajat Kalra, Ld. Addl. PP for State  
Sh. Ayub Ahmed Qureshi, Ld Counsel for the applicant/accused.

Reply to the bail application has been received alongwith previous involvement of applicant/accused. Jail conduct report of the applicant has also been received.

I have heard arguments on the bail application from both the sides.

By way of this application, applicant is seeking interim bail for 45 days on the ground of pandemic Covid-19 under HPC.

Ld. State Counsel has opposed the bail application on the ground that the allegations against the applicant are serious in nature. It is further argued that as per the report of IO, applicant has criminal antecedents and he is involved in 28





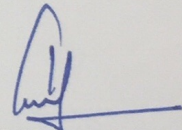
criminal cases and is a habitual offender and is a member of Namaste gang which was involved in lot of robberies committed in Delhi. It is also argued that even the jail conduct report of the applicant is not satisfactory which is one of the criteria for seeking interim bail under HPC.

I have considered rival submissions as well as perused the record.

The Conduct report in respect of applicant is not satisfactory. He is also involved in many criminal cases and he is also undergoing R.I of 07 years in a case.

Considering the facts and circumstances of the case, the gravity of offence and his involvement in many criminal cases and his conduct report from jail, this is not a fit case where interim bail can be granted. Application is accordingly dismissed.

Dasti copy be given.



**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No. 157/2019**

**PS : Nangloi**

**State Vs. Md. Sanaullah**

**U/s 376/323/354/354A/506/509/34 IPC & 4/8/12 of  
POCSO Act.**

28.07.2020

**The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

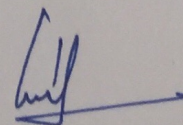
This is the application u/s 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant Md. Sanaullah.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State.  
IO WSI Reena.  
Complainant/victim in person.  
Sh. Pankaj Rehani, Ld Counsel for the  
applicant/accused.

Reply to the application filed. Copy supplied.

I have heard arguments from both the sides and perused the reply.

It is argued on behalf of applicant that the present FIR has been filed by the complainant in collusion with the police. It is further argued that applicant is innocent and has been falsely implicated in the present case on the false and frivolous allegations of the complainant. It is further argued



that there is delay of six months in lodging the FIR which makes it clear that it is an after-thought. It is also argued that applicant has cooperated with the police and has joined the investigation as and when called. Therefore, it is prayed that applicant may be granted anticipatory bail and he is ready to join the investigation as and when called by the IO.

Per contra, Ld. State Counsel has opposed the bail application. It is argued that the allegations against the applicant are that he made physical relations with the victim who is a minor and also married her. The marriage certificate issued by the Maulvi of the Masjid is also obtained by the IO. Therefore, the applicant cannot deny his marriage and physical relations with the complainant. It is also submitted that in the reply, IO has mentioned that though applicant joined the investigation but did not cooperate. Therefore, considering the serious allegations, applicant may not be granted anticipatory bail.

I have considered rival arguments and perused the reply of the IO.

Considering the facts and circumstances of the case, the serious allegations against the applicant, no ground is made out for grant of anticipatory bail to the applicant/accused at this stage. Application is accordingly dismissed.

Copy of this order be given dasti.

  
**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.318/19

PS :Mundka

State Vs. Rajesh @ Bunty s/o. Om Parkash

U/s. 394/397/468/471/420/411/34 IPC

28.07.2020

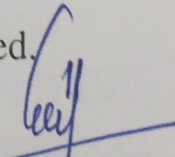
**Proceedings of this matter has been conducted through Video  
Conferencing**

This is an application U/s. 439 Cr.P.C. for grant of extension of interim bail moved on behalf of accused/applicant Rajesh @ Bunty s/o. Sh. Om Parkash on the medical ground.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Mahesh Patel, Ld. Counsel for applicant/accused through VC.

This is an application for extension of interim bail moved on behalf of applicant. Pursuant to direction of the full bench of Hon'ble High Court in **W.P.(C) 3037/2020** titled as **Court on its own motion Vs. State & Ors.** vide its order/judgment dated 13.07.2020, no further order is required to be passed on this application as interim bail application has already been extended till 31.08.2020. Accordingly, bail application is disposed off.

Copy of this order be sent to Superintendent jail. Copy be also given dasti to Ld. Counsel for applicant/accused, as prayed.

  
(POORAN CHAND)

ASJ-02/West/Delhi

28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.548/20

PS :Rajouri Garden

State Vs. Rahul @ Changga

U/s. 25/54/59 Arms Act.

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

Proceedings of this matter has been conducted through Video Conferencing

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Sushil Kumar Pandey, Ld. Counsel for applicant/accused.  
IO filed reply. Copy supplied to Ld. Counsel for applicant through Whatsapp.

At this stage, Ld. Counsel seeks permission to withdraw the present application. Heard.

In view of the submissions made by Ld. Counsel for application, the present bail application is dismissed as withdrawn.

  
(POORAN CHAND)

ASJ-02/West/Delhi

28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.236/16

PS :Khyala

State Vs.Udey Kumar and others

U/s. 302/341/452/324 IPC

28.07.2020

Proceedings of this matter has been conducted through Video  
Conferencing

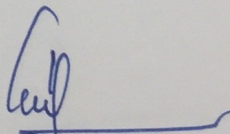
This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Manish on the medical ground, who is lodged in jail.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Lalit Kumar, Ld. Counsel for applicant/accused.

Though IO filed reply opposing the bail application but report is required to be called from Superintendent Jail qua the present status of the illness of the applicant/accused.

Let detailed report be called from Superintendent Jail qua the present health condition and illness of the applicant/accused for next date.

Put up for filing of report and hearing on the bail application on 04.08.2020.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.145/2019

PS :Mundka

State Vs. Jitender @ Bata

U/s. 392/397 IPC

28.07.2020

**Proceedings of this matter has been conducted through Video  
Conferencing**

This is an application for release of Jamatalashi articles on behalf of accused persons i.e. Jitender @ Bata and Jitender @ Jittu.

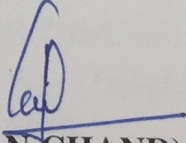
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Hari Kishan, Ld. counsel for both accused persons.

IO filed reply.

Ld. Counsel for applicants/accused has moved an application for release of personal search articles of two accused persons i.e. Jitender @ Bata and Jitender @ Jittu but IO filed reply in respect of accused Jitender @ Jittu.

IO is directed to file reply in respect of accused Jitender @ Bata also.

Put up for filing of reply and hearing of this application on 29.07.2020.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No.556/2020**

**PS :Rajouri Garden**

**State Vs. Pintu Kumar**

**U/s. 356/379/411/120B IPC and 25/27 Arms Act.**

28.07.2020

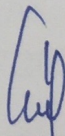
**The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
None for applicant/accused.

Proceedings of this case were to be conducted through Video Conferencing. Ahlmad of this court tried various times to contact the mobile number of Ld. Counsel i.e. 8851058101. The said number is not reachable.

In these circumstances, let this application be put up for appearance of Ld. Counsel and hearing on the bail application on 31.07.2020.

  
**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**



IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.343/2019

PS :Paschim Vihar (West)

State Vs. Rahul @ Bunty

U/s. 392/34 IPC

28.07.2020

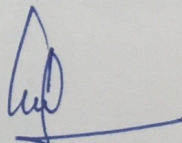
Proceedings of this matter has been conducted through Video  
Conferencing

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Varun Sharma, Ld. Counsel for applicant/accused.

At this stage, Ld. Counsel for applicant wishes to withdraw the  
present bail application. Heard. Allowed.

At the request of Ld. Counsel for applicant, the present bail  
application is dismissed as withdrawn.

File be put up on date already fixed.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI**

**FIR No.185/13**

**PS :Paschim Vihar (East)**

**State Vs. Dheeraj**

**U/s. 307/34 IPC**

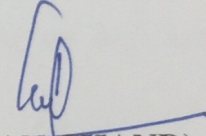
28.07.2020

**The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
None for applicant/accused.

Since morning despite repeated calls none has appeared on behalf of applicant/accused, hence, application is dismissed for non appearance.

  
**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.708/20

PS :Khyala

State Vs. Rohit

U/s. 25/54/59 Arms Act

28.07.2020

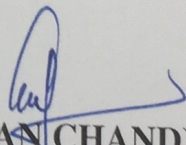
The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. U.M. Tripathi, Ld. Counsel for applicant/accused.

Reply not filed. SHO is directed to file the reply on or before next date with advance copy of the reply to Ld. Counsel for applicant/accused.

Put up for filing of reply and hearing on bail application on 31.07.2020.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.582/20

PS :Paschim Vihar (West)

State Vs. Ravinder

U/s. 354/323/341/506 IPC

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

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

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Mohd. Iqbal, Ld. Counsel for applicant/accused.

Reply not filed. SHO is directed to file the reply on or before next date.

Since offence u/s. 354 IPC is mentioned in this case, let the complainant/victim be called through IO for next date.

Put up for filing of reply, appearance of complainant and hearing on the bail application on 05.08.2020.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.229/20

PS :Patel Nagar

State Vs. Monika Kumari @ Ors.

U/s. 498A/406/34 IPC

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.


Proceedings of this matter has been conducted through Video Conferencing

This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of all three accused persons/applicants, namely, Monika Kumari, Balmicky Kumar and Nibha Kumari Patel.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Ganesh Chand Sharma, Ld. Counsel for all three accused persons/applicants, namely, Monika Kumari, Balmicky Kumar and Nibha Kumari Patel.

Part arguments heard.

Ld. Counsel for applicants submits that the supplementary statement as alleged by IO to be recorded on 17.07.2020 is after thought as no such fact is mentioned in initial complaint i.e. dated 25.06.2020 or in FIR dated 10.05.2020.



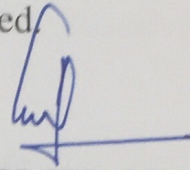
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In these circumstances, let the complainant be called through IO to appear before the court either personally or through Counsel on next date.

Put up for appearance of the complainant and hearing on the bail application on 06.08.2020.

Interim protection to continue till next date.

Copy of this order be given dasti, as prayed.



**(POORAN CHAND)**

**ASJ-02/West/Delhi**

**28.07.2020**

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.102/2019

PS :Mundka

State Vs. Vikas

U/s. 394/397/468/471/420/411/120B/34 IPC & 25/27/54/59 Arms Act

28.07.2020

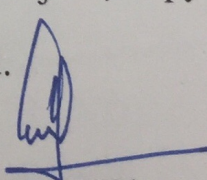
**Proceedings of this matter has been conducted through Video  
Conferencing**

This is an application U/s. 439 Cr.P.C. for grant of extension of interim bail moved on behalf of accused/applicant Vikas s/o. Sh. Rakesh on the medical ground.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. R.N. Sharma, Ld. Counsel for applicant/accused through VC.

This is an application for extension of interim bail moved on behalf of applicant. Pursuant to direction of the full bench of Hon'ble High Court in **W.P.(C) 3037/2020** titled as **Court on its own motion Vs. State & Ors.** vide its order/judgment dated 13.07.2020, no further order is required to be passed on this application as interim bail application has already been extended till 31.08.2020. Accordingly, bail application is disposed off.

Copy of this order be sent to Superintendent jail. Copy be also given dasti to Ld. Counsel for applicant/accused, as prayed.

  
(POORAN CHAND)

ASJ-02/West/Delhi

28.07.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),  
TIS HAZARI COURTS : DELHI

FIR No.606/20

PS :Punjabi Bagh

State Vs. Neeraj @ Sonu

U/s. 366/376/506 IPC

28.07.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

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

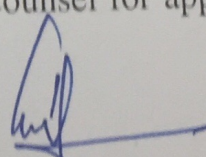
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.  
Sh. Mahkar Singh, Ld. Counsel for applicant/accused.  
WSI/Richa Sharma alongwith prosecutrix in person.

Reply filed. Copy supplied.

Part arguments heard.

At this stage, Ld. Counsel for applicant seeks to withdraw the present bail application.

In view of the submissions made by Ld. Counsel for application, the present bail application is dismissed as withdrawn.

  
(POORAN CHAND)  
ASJ-02/West/Delhi  
28.07.2020



**IN THE COURT OF SH. POORAN CHAND, ASJ-02  
(WEST), TIS HAZARI COURTS : DELHI**

**FIR No. 642/20  
PS : Punjabi Bagh  
State Vs. Ashwani Nirala  
U/s 376(2)(n)/313 IPC**

28.07.2020

**Through Video Conferencing**

**The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 15.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.**

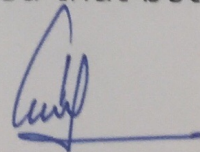
This is the application u/s 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Ashwani Nirala.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State.  
Sh. M.P. Sinha, Ld Counsel for the  
applicant/accused through VC.

Reply to the application already filed.

I have heard arguments from both the sides and perused the reply.

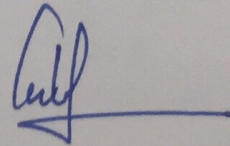
It is argued on behalf of applicant that he is in J.C since 03.07.2020. It is further argued that he is innocent and has been falsely implicated in the present case on the false and frivolous allegations. It is further argued that both



applicant and complainant met 2-3 years back and both of them like the company of each other, however, there had never been any promise of marriage. It is further argued that since both the applicant and complainant are admittedly major and having physical relations, coupled with the allegations of the complainant that on three occasions, she was aborted by giving pills to her, makes it a clear case of consensual relations and hence, the alleged act cannot be termed as rape. In support of his arguments, Ld. Counsel for applicant has relied on following judgments:

- (a) Geeta Sharma Vs. State of NCT of Delhi.
- (b) Mahesh Balkrishnan Dandane Vs. State of Maharashtra
- (c) Akshay Manoj Jaisinghani Vs. State of Maharashtra
- (d) G Achyut Kumar Vs. State of Odisha
- (e) Deepak Gulati Vs. State of Haryana
- (f) Dhruvaram Murlidhar Sonar Vs. State of Maharashtra
- (g) Anwar Khan Iqbal Khan Vs. State of Maharashtra
- (h) Uday Vs. State of Karnataka
- (i) Nishant Bipinbhai Trivedi Vs. State of Gujarat
- (j) Bhanjibhai Anandbhai Chavda Vs. State of Gujarat
- (k) Amit Sadanand Shelar Vs. State of Maharashtra

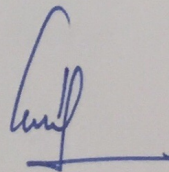
At the strength of above judgment, it is argued that the consensual physical relations between the parties cannot be ruled out when the parties continued having physical relations for long time as much as of four years in the



present case and that the relations were in the knowledge of the family members. Therefore, it is prayed that applicant may be granted bail and he is ready to abide by any condition imposed by this court.

Per contra, Ld. State Counsel has opposed the bail application. It is argued that as per the contents of the FIR, the complainant met the applicant four years back and they both started seeing each other and since then, the applicant made physical relations with the complainant on the pretext of marriage on several occasions and at various places as narrated in the complaint. The applicant also forced her for abortion and gave her abortion pills thrice when she got pregnant with his child. It is further argued that applicant has supported her version in her statement recorded u/s 164 Cr.P.C. and she has also stated that "**usne Hotel mein meri maang bhi bhari thi**" which is indicative of the fact that the applicant held out inducement to the victim by this act for the purpose of marrying her and obtaining her consent for sexual intercourse with her at that time and on subsequent occasions as well. It is further argued that matter is at the initial stage of investigation. Therefore, considering the serious allegations, applicant may not be granted bail.

I have considered rival arguments and perused the reply of the IO and also perused the judgments relied on behalf of applicant.



The main ground for seeking bail is that even if the physical relations had been made between the parties they were made out of mutual consent and hence, in this scenario, no offence of rape is made out.

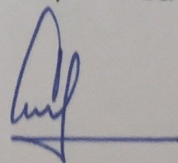
In order to deal with the arguments of Ld. Counsel for applicant, it is necessary to see the latest law on the definition of rape.

The Hon'ble Supreme Court of India in Case titled as Pramod Suryabhan Pawan Vs. The State of Maharashtra in Crl. Appeal No. 1165 of 2019 while dealing with the section 375 has held as under:

*"The consent of a woman with respect to section 375 must involve an active and reasoned deliberation towards the proposed act. To establish whether "consent" was vitiated by a "misconception of fact" arising out a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time if was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman's decision to engage in the sexual act".*

The word "consent" has been defined in explanation 2 to the definition of rape given under Section 375 IPC which is reproduced as under:

*"Explanation 2.-Consent means an unequivocal*



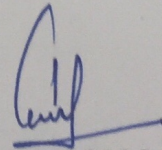
*voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act."*

In the present case, on the one side, it is argued on behalf of applicant that he did not make physical relations with the complainant/victim, but at the same time, it has been mentioned in the bail application that since the victim has alleged that she was administered pills for aborting the fetus by the applicant thrice, there was consensual relations between the parties. Both these arguments are contradictory.

The arguments raised by Ld. Counsel for applicant cannot be looked into in detail at this prima facie stage. This is only a bail application.

Considering the facts and circumstances of the case, the serious allegations against the applicant and the fact that matter is at the stage of initial investigation, I am not inclined to grant bail to the applicant/accused at this stage. Application is accordingly dismissed.

Copy of this order be given dasti.



**(POORAN CHAND)**  
**ASJ-02/West/Delhi**  
**28.07.2020**