

State Vs Devender
FIR No. 227/2018
PS.: Crime Branch
U/s: 20/25/29 NDPS Act

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Bijender Singh, learned counsel for applicant through VC

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply to the interim bail application filed.

Arguments heard from the counsel for the accused over mobile phone.

It is stated that last regular bail application was rejected on 05/03/2020 that family of the petitioner is unable to sustain economically; that he is in JC since September, 2018; that he wants to arrange for grown up daughter and school going son and wants to save family from starvation by selling / mortgaging agricultural land; that he has deep roots in society.

But having regard to the reply filed by the IO a total of 500 kg Ganja was recovered; chargesheet is already filed; that the case is at the

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State Vs Devender
FIR No. 227/2018
PS.: Crime Branch

stage of PE; further his case is not covered under the relaxed guidelines given by the Hon'ble High Court. Even otherwise even on merits, no ground to grant interim bail is made out having regard to the nature of offence involving commercial quantity and the fact that elder brother of the accused is residing in the same village where family of the accused is also residing. Further there is apprehension that he may not be available to face trial if enlarged on interim bail. With these observation present interim bail is dismissed. Copy of order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

BAIL APPLICATION

FIR No. : 272/15
PS: Nabi Karim
State v. Dharmender @ sultan
U/S: 302/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Yogendra Kumar, Ld. Counsel for applicant/
accused (through Video Conferencing).

Observations 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. v. Union of India & Ors."; Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

No reply filed. Some time is sought by IO.

Put up for reply and arguments on 19.05.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

SUBMITTED BY:- Yogendra Kumar
(PLAINTIFF/PETITIONER/DEFENDANT/ACCUSED/OTHERS/A

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BAIL APPLICATION

FIR No. : 218/18

PS: Crime Branch

State v. Rajesh Sharma

U/S: 22/29 NDPS Act & 63/65 Copy Right Act

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Vivek Aggarwal, Ld. Counsel for applicant/
accused (through electronic mode).

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

First of all it is noted that **name of the applicant/accused is Rajesh Sharma S/o Sh. Prem Chand Sharma** and it is wrongly typed as Rohit @ Raman. Same is noted at request of learned counsel for accused who is present through electronic mode.

At request, let medical report regarding medical condition of accused be called from Jail Superintendent for next date of hearing. Further, report be filed by IO.

Put up on 20.05.2020.

(Naveen Kumar Kashyap)

ASJ-04/Central/THC

16.05.2020

Enrollment : D/1316-B/2008

Address: 18/101, Masishgarh, sukhdev Vihar,

New Delhi - 110025

MO: 9811618475

Delhi

Dated: 15.05.2020

State Vs Tahir Khan
FIR No. 67/2020
PS.: Wazirabad
U/s: 323/354/354B/506/509 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Learned counsel for applicant through V.C.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by the IO.

Arguments heard.

It is pointed out by the learned counsel for the applicant the order dated 29/02/2020 passed by Ms. Kamini Lau, learned Judge(MACT)-01 Central District. While deciding the anticipatory bail application, before proceedings further, let notice of present application be also given to the complainant Ms. Mona through IO. Such complainant is at liberty to address arguments through electronic mode or in person as she chooses.

IO is directed to provide necessary assistance to the complainant for filing of reply, if any. In the meanwhile, it is directed that IO / SHO concerned shall not take any coercive action against the accused till the next date of hearing. Put up for argument / appropriate order on 21/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

BAIL APPLICATION

FIR No. : 84/19
PS: I.P. Estate
State v. Bhupinder Singh
U/S: 420/467/468/471 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State,
Sh. Puneet Kumar Jain, Ld. Counsel for
complainant Sh. V.K. Jain,
Sh. Pradeep Sharma, Ld. counsel for applicant/
accused Bhupinder Singh Chauhan.

*Observations 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. v. Union of India & Ors.", Hon'ble
Supreme Court of India in Suo Motu 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) read
with other directions received from time to time including on
18/04/2020, present application is taken up.*

It is stated by IO that the chargesheet is filed
yesterday including u/s 467 IPC as per law.

Although, it is a stage of bail but still the ingredients of
different sections are to be prima facie looked into as also the
role of the applicant/accused relating to the same. It is a basic
law that section 471 and 468/467 IPC are different and cover
separate aspect relating to forgery. Section 471 IPC is
applicable for use of alleged forged document, whereas Section
468/467 IPC for making such false/forged document. But despite

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opportunity given, the IO has failed to point out the witness/particular document based on which Section 467 IPC alleged against the accused i.e. whether this applicant who is the maker of alleged document that too of the nature as is falling under Section 467 IPC. Same is also noted.

Put up for appropriate orders at 4 pm.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

AT 4 pm.

Present: Sh.Manoj Garg, Ld. Addl. PP for the state.

Vide this order, bail application u/s 439 Cr.PC dated 23.03.2020 filed by applicant Bhupinder Singh Chauhan through counsel is disposed of.

It is stated that he is in judicial custody since 17.03.2020. That as many as nine accused in the present FIR are either granted anticipatory bail or interim anticipatory bail. Copy of certain such bail orders is annexed alongwith the application. That the accused is falsely implicated. That case is civil in nature and litigation in various courts are pending. That complainant is already facing FIR registered at Economic Wings under similar sections. That police is trying to mislead the court. That no purpose would be served by keeping the accused in JC. That no person other than the applicant/accused is in JC in present case. That he has deep roots in the society.

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As such, it is prayed that he be granted regular bail.

On the other hand, in detailed reply running into 15 paged dated 21.04.2020 filed by Insp. Ashok Kumar, such bail application is opposed. That he caused loss to the Exchequer running into hundred crores. That he forged various valuable government document as jama bandi and revenue record. That co-accused like Ajay Sharma, G.S. Singh etc. are yet to be arrested. But he admitted that chargesheet is now filed in the present case. That offence is serious in nature. That applicant/accused is the main accused in the present case. That he manipulated land/revenue record also. It is further argued that he cheated the public Exchequer/State. As such, section 467 IPC is also made against him which is punishable upto life imprisonment

Further, written arguments filed on behalf of complainant V.K. Jain through counsel which also opposed the present bail application. Further, oral arguments also addressed.

I have gone through the report and arguments of all the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no

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person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. Further Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that

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punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

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Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage, it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant

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bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the

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accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-

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application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

As far as present case is concerned , it appears that investigation conducted by IO is not satisfactory in this case. It appears that despite the fact that he is claiming that forgery is made out in this case against present accused , still he filed the chargesheet ,as orally submitted by him in court today, even without filing any expert handwriting opinion so far. Same is obviously crucial having regard to the fact that making a false document and using the same are two different offences under the IPC. Therefore, to fix responsibility including under Section 467/468 IPC, such material is necessary.

As such, a copy of this order be sent to DCP concerned.

But having observed so, it is clear from the material on record that accused is the main conspirator in the present case and it appears that as a result there are manipulation of government record also in furtherance of present conspiracy causing loss to the Exchequer running into crores. Therefore, having regard to the nature and magnitude of the transactions,

FIR No. : 84/19
PS: I.P. Estate
State v. Bhupinder Singh
U/S: 420/467/468/471 IPC

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the initial stage of the case whether chargesheet is only filed, as such, public witnesses are yet to be examined, this court is not inclined to grant bail to the present accused.

With these observations, present application is dismissed.

Copy of this order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

State Vs Ravi Dhika
FIR No. 303/2014
PS.: Subzi Mandi
U/s: 302/307/120B IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Learned counsel for the applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Arguments heard from both the sides and have gone through the record.

The present case is u/s 302/307/120B IPC which is not covered under the criteria as given by the Hon'ble High Court for grant of interim bail.

But on merit as per report of IO Inspector Praveen Duggal the factum of treatment of his wife through Dr. Abhishek Mehta is not denied and found to be genuine which was found to be living at the given address alongwith her two children. Therefore, applicant is granted interim bail for a period of **30 days** on furnishing personal bond and surety bond in the sum of

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State Vs Ravi Dhika
FIR No. 303/2014
PS.: Subzi Mandi

Rs. 20,000/- with one surety of the like amount to the satisfaction of the court. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

Further applicant shall not flee from the justice, shall not tamper with the evidence; shall not threaten or contact in any manner to the prosecution witnesses; shall not leave country without permission; shall appear on each and every date without fail; applicant shall convey any change of address immediately to the IO and the court; shall mark her attendance before local SHO on every Monday through his mobile and also share his location with the SHO concerned. Further applicant shall also provide her mobile number to the IO and the same shall be kept 'Switched On' on all the time and at least between 8 am to 8 pm everyday.

Applicant is further directed to install '**Aarogya Setu**' App on his mobile phone and will keep location, GPS as well as Bluetooth ON all the time during the period of such interim bail.

Application stands disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

State Vs Rizwan Khan
FIR No. 134/2015
PS.: Lahori Gate
U/s: 395/397/34 IPC & 25/27/54/59 Arms Act

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Learned counsel for the applicant through electronic mode.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Arguments heard regarding modification / clarification in interim order dated 12/05/2020 and record have been perused carefully.

It is stated that inadvertently bail condition of another connected matter i.e. case FIR No. 224/2018 PS Subzi Mandi U/s 419/420/467/468/471/34 IPC titled as 'State vs Sharwan Kumar' relating to deposit of payment of Rs. 10 lakh to complainant is mentioned in the interim bail order dated 12/05/2020 of the present case i.e. State Vs Rizwan Khan FIR No. 134/2015. The same is now clarified and corrected that there is no condition of accused to pay Rs. 10 lakh to the complainant within one as mentioned in the interim bail application which was allowed vide order dated 12/05/2020. The other conditions remain the same.

With these observations the present application is disposed of.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

BAIL APPLICATION

**FIR No. 218/18
PS: Crime Branch Dwarka
State v. Afroz Alam
U/S: 22/29 NDPS Act
63 Copy Right**

16.05.2020

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Kunal Manav, Ld. counsel for applicant/accused
Afroz Alam.

Observations 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. v. Union of India & Ors."; Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Part arguments submitted through Video Conferencing.

Reply not filed by IO.

Put up for reply by IO including regarding medical ailment of wife of the accused as well as the nature of charge/allegations against the accused and the maximum punishment for the same regarding this interim bail application.

At request, put up on 19.05.2020 through Video Conferencing.

Further, copy of reply be supplied by IO to learned

FIR No. 218/18
PS: Crime Branch Dwarka
State v. Afroz Alam
U/S: 22/29 NDPS Act
63 Copy Right

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counsel for accused through electronic mode by next date of hearing as well as to verify as to whether there is any male member in the family apart from the accused himself.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

State Vs Tahir Hussain

FIR No. 134/2015

PS.: Lahori Gate

U/s: 395/397/412/34 IPC r/w section 25/27 Arms Act

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Yashpal Bharti, learned counsel for the applicant /
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Arguments heard from both the sides and have gone through the record.

The present case is u/s 395/397/412 r/w section 25/27 Arms Act which is not covered under the criteria as given by the Hon'ble High Court for grant of interim bail.

But on merit as per report of IO SI Sandeep Singh the medical documents relating to ailment of his wife were verified through Chawla Nursing Home and it is found that infact operation of wife of accused is scheduled for 18/05/2020, therefore, without going into the merit of the case

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State Vs Tahir Hussain
FIR No. 134/2015
PS.: Lahori Gate

in regard to the prevailing condition at present where wife would be assisted / accompanied during her operation, applicant is granted interim bail for a period of **15 days** on furnishing personal bond and surety bond in the sum of **Rs. 10,000/-** with one surety of the like amount to the satisfaction of the court. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

Further applicant shall not flee from the justice, shall not tamper with the evidence; shall not threaten or contact in any manner to the prosecution witnesses; shall not leave country without permission; shall appear on each and every date without fail; applicant shall convey any change of address immediately to the IO and the court; shall mark her attendance before local SHO on every Monday through his mobile and also share his location with the SHO concerned. Further applicant shall also provide her mobile number to the IO and the same shall be kept 'Switched On' on all the time and at least between 8 am to 8 pm everyday.

Applicant is further directed to install '**Aarogya Setu**' App on his mobile phone and will keep location, GPS as well as Bluetooth ON all the time during the period of such interim bail.

Application stands disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

State Vs Manish Kumar
FIR No. 317/2017
PS.: Pahar Ganj
U/s: 307/452 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Pulkit Jain, learned counsel for the applicant / accused
through electronic mode.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

This is an application for grant of interim bail on behalf of applicant / accused.

Arguments heard through electronic mode.

The present case is u/s 307 / 452 IPC which is not covered under the criteria as given by the Hon'ble High Court for grant of interim bail.

Accused was earlier granted interim bail also and he has timely surrendered after availing such interim bail. Mother and father of the accused are old aged and his wife is diabetic patient and suffering from Blood Pressure problem also. As such, his presence is required for the issue of

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State Vs Manish Kumar
FIR No. 317/2017

livelihood of his family.

Considering facts and circumstances of the case, in the interest of justice, interim bail of applicant / accused is allowed subject to furnishing personal bond and surety bond in the sum of **Rs.30,000/-** each. Interim bail shall be for the period of **30 days**. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

Further applicant shall not flee from the justice, shall not tamper with the evidence; shall not threaten or contact in any manner to the prosecution witnesses; shall not leave country without permission; shall appear on each and every date without fail; applicant shall convey any change of address immediately to the IO and the court; shall mark his attendance before local SHO on every Monday through mobile and shall share his location with the SHO concerned. Further applicant shall also provide her mobile number to the IO and the same shall be kept 'Switched On' on all the time and at least between 8 am to 8 pm everyday.

Applicant is further directed to install '**Aarogya Setu**' App on his mobile phone and will keep location, GPS as well as Bluetooth ON all the time during the period of such interim bail. Application stands disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020



BAIL APPLICATION

FIR No. : 343/19
PS: Kashmere Gate
State v. Amit Kumar
U/S: 304/34 IPC

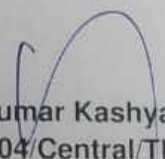
16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Mohit Prasad, Ld. Counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

An application for recall of order dated 13.05.2020 is moved on behalf of applicant through counsel. The voice is not clear. Anyhow, he is heard and apprised that notice of this application is issued for **21.05.2020**.

Reply be filed by IO.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 478/18
PS: Burari
State v. Sanjay Tiwari & Ors.
U/S: 452/306/506/324/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. B. S. Tiwari, Ld. counsel for applicant/accused
Amar Nath Tiwari.
Reply filed by SI Ajay Kumar PS Burari. Same is
taken on record.

*Observations 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. v. Union of India & Ors.", Hon'ble
Supreme Court of India in Suo Motu 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) read
with other directions received from time to time including on
18/04/2020, present application is taken up.*

Present bail application is moved on behalf of
accused Amar Nath Tiwari.

Record perused.

It is argued on behalf of applicant/accused that
accused has been given bail and is released from judicial
custody on 12.04.2020 till 26.05.2020. Further, all the offences
are punishable upto ten years only.

Vide order dated 15.05.2020 of Hon'ble High Court
of Delhi in W.P. (C) 3037/2020, the bail order given in favour

*Ti S Hazari Co
Delhi
State V. K. Latname is on reco
B. S. Tiwari*

FIR No. : 478/18
PS: Burari
State v. Sanjay Tiwari & Ors.
U/S: 452/306/506/324/34 IPC

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of the accused stands extended till 15.06.2020.

Present application is disposed of accordingly.

Copy of the order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 339/18

PS: Nabi Karim

State v. Rajeev Jain @ Anurag

U/S: 365/392/364A/120B/411/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Ms. Afshan, Ld. counsel for applicant/accused.
Insp. Vijay Kumar Gupta, ATO PS Nabi Karim in person. He has filed status report.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Arguments heard.

It appears that report from IHBAS has not received. As per the status report filed by Insp. Vijay Kumar Gupta, treatment record of father of accused could not be verified in absence of registration number and date. He prays for supplying of the registration number and date of the father of the accused/applicant. As such, parties are directed to provide such detail to him.

Put up for report and appropriate orders on

21.05.2020.

(Naveen Kumar Kashyap)

ASJ-04/Central/THC

16.05.2020

State Vs Ashish
FIR No. 106/2012
PS.: Kamla Market
U/s: 186/302/353/307/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. M.A. Qureshi, learned counsel for applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply not filed by the IO / SHO concerned. Issue show cause notice to the SHO / IO concerned as to why the reply not filed. Let reply be filed by the next date of hearing preferably through the mode prescribed in the circular passed by Learned District & Sessions Judge(HQs) Delhi i.e. in electronic form through Learned Addl.PP concerned.

Learned counsel is not interested in V.C. At request, put up for reply through proper channel in court on 20/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

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State Vs Sunita
FIR No. 109/2020
PS.: Nabi Karim
U/s: 457/380/411/120B/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Ankit Tyagi and Mr. Rishab Jain, learned counsel for
applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Arguments heard.

This is regular bail application. After some arguments, it is stated by the counsel Mr. Rishab Jain that now he has received instructions from main counsel Mr. Deepak Sharma that present application be treated as interim bail application only in terms of directions.

Having regard to the fact that the present FIR is also filed u/s 457 IPC i.e. relating to section 380 IPC. As such, maximum punishment is 14 years which is more than 10 years prescribe by the Hon'ble High Court for granting interim bail.

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But having regard to the fact that accused is a female and the last registered case against her was in the year 1997 as per report of IO itself. in the interest of justice, interim bail of applicant / accused **Sunita** is allowed subject to furnishing personal bond and surety bond in the sum of **Rs.15,000/-** with **one** surety of the like amount. Interim bail shall be for the period of **45 days**. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

Further applicant shall not flee from the justice, shall not tamper with the evidence; shall not threaten or contact in any manner to the prosecution witnesses; shall not leave country without permission; shall appear on each and every date without fail; applicant shall convey any change of address immediately to the IO and the court; shall mark her attendance before local SHO on every Monday through mobile and shall share her location with the SHO concerned. Further applicant shall also provide her mobile number to the IO and the same shall be kept 'Switched On' on all the time and at least between 8 am to 8 pm everyday. Applicant is further directed to install '**Aarogya Setu**' App on her mobile phone and will keep location, GPS as well as Bluetooth ON all the time during the period of such interim bail. Application stands disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020



BAIL APPLICATION

FIR No. : 32/19
PS: PRASAD NAGAR
State v. Ashu Sagar
U/S: 303/323/341/147/148/149 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Mahesh Yadav, Ld. Counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Present application is for extension of interim bail of accused Ashu Sagar.

It is stated that he was earlier granted interim bail vide order dated 07.03.2020 with a direction to surrender on 24.03.2020.

Record perused.

It is further stated at bar that vide further order dated 23.03.2020, such interim order dated 07.03.2020 was further extended by the concerned court Ms. Nilofer Abdia Parveen, Ld. ASJ till 07.04.2020. Copy of such order is not placed on record. Further, the order dated 25.03.2020 passed

FIR-32/2019
PS - Vinod Nagar
State of Andhra Pradesh
Uk-302/322/341/147/148/
149 IPC

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by Hon'ble High Court of Delhi in case no. W.P. Urgent 2/2020 and W.P. (C) 3037/2020, has further extended the order dated 15.05.2020, is also placed on record.

In view of the same, interim order given in favour of the accused stands extended till 15.06.2020.

Present application is disposed of accordingly.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

**FIR No. : 166/17
PS: Subzi Mandi
State v. Kanhaie Jha
U/S: 392/397/24 IPC**

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajesh Mittal, Ld. counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Application is filed on behalf of accused under Section 392/397 IPC r/w Section 394 IPC.

As per report filed by the IO ASI Harish Chandra, the section mentioned against the accused are rather more heinous i.e. Section 395/398 IPC apart from Section 468/471 r/w Section 25 of Arms Act. It is further submitted that wife of the accused told such Ld. Counsel about the facts of the present case which in any case, are incorrect and misleading. In any case, having regard to the submissions made in such application, let a report be called from Jail Superintendent

FIR No. : 166/17
PS: Subzi Mandi
State v. Kanhale Jha
U/S: 392/397/24 IPC

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concerned about the status of alleged infection of COVID-19 to another accused in the same barrack in which the accused was lodged in Rohini Jail and steps if any required and as such taken by Jail Superintendent so far.

Put up for 21.05.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 356/07

PS: Hauz Quazi

State v. Gopal Krishan Aggarwal

U/S: 302/120-B IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Abhay Kumar, counsel for applicant/accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Heard in the present application.

Counsel for applicant seeks modification of interim bail application regarding his presence every day before local SHO concerned.

Heard.

In view of the prevailing lock-down condition and submissions made, such condition is modified during the period of lock-down in Delhi and instead of physical presence before local SHO, he is directed to make his presence through mobile as mentioned in para no. 4 of the application i.e. no. 8826650554 by sharing his location every day with the SHO/IO

FIR- 356/07
PS- Hauj Dazi
State of Gopal Krishan
Aggarwal
u/c- 302/120-B IPC

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concerned.

Further, in case, he is hospitalized then immediate family member can share such detail on his behalf.

A copy of this order be sent to SHO concerned accordingly.

Copy of this order be given dasti.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 24/2020
PS: Gulabi Bagh
State v. Narender Rana
U/S: 323/376 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Sagar Dharma, Ld counsel (mobile
no. 9711097092) for applicant/accused.
IO SI Uma Singh (mobile no. 9838888637).

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by IO. It is a case for regular bail. It is further pointed out that accused was earlier granted interim bail which is till 18.05.2020. As such, it is further orally prayed that such interim bail be extended in view of directions of Hon'ble High Court of Delhi.

Let notice be issued to complainant through concerned IO before further proceeding on merit in such interim/regular bail.

Notice to the complainant be issued through IO

	Ms. Anjali	
	<u>ANNEXURE-F</u>	
7		19

FIR No. : 24/2020
PS: Gulabi Bagh
State v. Narender Rana
U/S: 323/376 IPC

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today itself.

In fact SI Uma Singh is present in court and she is informed that preferably hearing would be held through Video Conferencing including of the complainant.

Put up on 18.05.2020 at 12.30 pm.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 0035/2020
PS: Kamla Market
State v. Raheemuddin
U/S: 392/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Nishant Sharma, Ld. counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

An application for reduction of surety amount filed by accused Raheemuddin through counsel Sh. Nishant Sharma. It is prayed that surety amount be reduced from Rs. 20,000/- to the minimum possible or be released on personal bond.

A reply dated 16.05.2020 is filed by the IO/SI Giri Raj PS Kamla Market(Mobile no. 9999250313).

As per such reply, such request is opposed. Further, importantly it is revealed that apart from Section 392, Section 394, 411 r/w Section 34 IPC is also mentioned. It is stated that such Section 394 IPC was added after registration of

FIR No. : 0035/2020
PS: Kamla Market
State v. Raheemuddin
U/S: 392/34 IPC

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FIR. Whereas, in the bail order in question dated 12.05.2020, only Section 392 IPC r/w Section 34 is mentioned which was passed by Ms. Naina Ld. Duty MM on 12.05.2020.

As such, put up for clarification/further report from IO as to whether at the time of such order dated 12.05.2020, Section 394 IPC was also considered or not.

Further, a copy of this order be sent to Ld. CMM concerned for information.

Further, IO is directed to place on record the copy of all the reports/replies which were filed by him before Ld. Duty MM consequent to which order dated 12.05.2020 is passed by Ld. Duty MM.

Put up before this court on 19.05.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

State Vs Anish Yadav
FIR No. 07/2017
PS.: Sadar Bazar
U/s: 302/307/328/120B/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Learned counsel for the applicant through electrical mode.
SI Vijay Kumar in person.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed by the IO.

Arguments heard from the side of the learned counsel for applicant through video conferencing and learned Addl.PP.

It is stated that the mother of the accused is not well as mentioned in para 8 of the present interim bail application and she is suffering from depression etc.

It is further stated that such medical condition of the mother is not new but old.

On the other hand, it is submitted by the IO and also written in the

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14.05.2020

u/s 302/307/328/120-B/34 IPC
State v. Anish Yadav

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State Vs Anish Yadav
FIR No. 07/2017
PS.: Sadar Bazar

reply that such papers are old of August, 2019. It is further stated that there is no documents regarding admission and the such documents are only of OPD.

The present case is u/s 302 IPC which is not covered under the criteria as given by the Hon'ble High Court of Delhi for grant of interim bail.

Further on merit also having regard to the nature of offence in which the minimum punishment is for life imprisonment and the documents placed on record that his mother is an OPD patient only, this court is not inclined to grant the relief as prayed for. Hence, the same is rejected.

Learned counsel for accused is at liberty to obtain dasti copy or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

BAIL APPLICATION

FIR No. : 89/2020

PS: Timar pur

State v. Sahil Sharma

U/S: 186/332/353/188/269/270/34 IPC & Sec. 3 PDPP Act

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rohit Kalra, Ld. Counsel for applicant/accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Counsel for accused/applicant heard through Video Conferencing.

Reply already filed.

It is argued that the maximum punishment for the present offence is for five years. Further, accused is young person of 28 years having a widow mother. That investigation is already complete and he is in JC for more than three weeks. No purpose would be served by keeping him in JC. As such, he is directed to be released on regular bail on furnishing personal bond/surety bond in the sum of Rs. 10,000/-.

Further, applicant shall not flee from the justice,

FIR No. : 69/2020
PS: Timar pur
State v. Sahil Sharma
U/S: 186/332/353/188/269/270/34 IPC & Sec. 3 PDPP Act

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shall not tamper with the evidence, shall not threaten or contact in any manner to the prosecution witnesses, shall not leave country without permission. Applicant/accused shall mark his attendance before local SHO on everyday. Applicant shall also provide his mobile number to the IO and the same shall be kept 'Switched on' on all the time.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 303/14
PS: Subzi Mandi
State v. Sunil @ Kalu & Ors.
U/S: 302/307/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Naveen Gaur, Ld. Counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

As per reply filed by IO, some more time is sought to give detailed reply.

Put up for filing of such reply preferably through electronic mode as prescribed by Ld. District Judge (HQ) through proper channel.

Issue notice to IO/SHO concerned accordingly to verify the medical document also.

Put up for further reply, arguments and appropriate orders on 19.05.2020.

At request of counsel for accused (Mobile no. 9873578142), next date of hearing would be through Video Conferencing.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

State Vs Rajesh @ Prem
FIR No. 118/2010
PS.: Ranjeet Nagar
U/s: 392/397/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Kundan Kumar, learned counsel for the applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

This is an application regarding directions to the Jail Superintendent regarding factum of the bail of accused in the present case. But such application is not accompanied by such bail orders nor the date of such bail is known to the counsel for the applicant Mr. Kundan Kumar. It is further stated that main case is pending before the court of Learned ACJ Mr. Anuj Aggarwal.

Issue notice to the IO to file detail of the bail, if any, of such accused. Further put up for appropriate directions, if so arises for calling of TCR / appropriate orders. At request, put up through V.C. on 20/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

PLAINTIFF / PETITIONER / DEFENDANT / ACCUSED / OTHER / ADVOCATE

State Vs Rashid Khan
FIR No. 213/2018
PS.: Crime Branch (Central)
U/s: 21 NDPS Act

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Nitin Bansal, learned counsel for the applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Fresh bail application for grant of interim bail has been filed.

Reply not filed by the IO / SHO concerned. Let reply be filed by the next date of hearing preferably through the mode prescribed in the circular passed by Learned District & Sessions Judge(HQs) Delhi i.e. in electronic form through Learned Addl.PP concerned.

At request, put up through V.C. for consideration regarding territorial jurisdiction of court at Central District on 20/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/16.05.2020

At this stage, IO ASI Sudhir Kumar has appeared and has filed reply.

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/16.05.2020

State Vs Rahul @ Hatara
FIR No. 288/2019
PS.: Subzi Mandi
U/s: 392/397/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mohd. Ilyas, learned counsel for the applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Report filed by the SHO PS Subzi Mandi stating that no such case is pending before such Police Station.

On perusal of record, it is reflected that Police Station concerned is Sarai Rohilla. As such, report be called from SHO / IO concerned Police Station Sarai Rohilla.

Learned counsel has stated he is not interested in V.C. As such, at request, put up in the court for **21/05/2020**.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

State Vs Kurban @ Mohd. Qurban
FIR No. 5/2014
PS.: Special Cell
U/s: 20 NDPS Act

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Proxy counsel on behalf of main counsel Mr. S.P. Sharma.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply not filed by the IO / SHO concerned. Issue show cause notice to the SHO / IO concerned as to why the reply not filed. Let reply be filed by the next date of hearing preferably through the mode prescribed in the circular passed by Learned District & Sessions Judge(HQs) Delhi i.e. in electronic form through Learned Addl.PP concerned.

At request, put up on 20/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

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satisfaction of this Hon'ble Court.

State Vs Raja @ Achu
FIR No. 288/2019
PS.: Sarai Rohilla
U/s: 394/397/411/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Lokesh Kumar, learned counsel for the applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply not filed by the IO / SHO concerned. Issue show cause notice to the SHO / IO concerned as to why the reply not filed. Let reply be filed by the next date of hearing preferably through the mode prescribed in the circular passed by Learned District & Sessions Judge(HQs) Delhi i.e. in electronic form through Learned Addl.PP concerned.

Learned counsel is not interested in V.C. At request, put up for reply through proper channel in court on **20/05/2020**.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

Police Chowki, Tis Hazari
Court Delhi-54

State Vs Suraj
FIR No. 76/2017
PS.: Gulabi Bagh
U/s: 452/307/506/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. Ramesh Kumar, learned counsel for applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply not filed by the IO / SHO concerned. Issue show cause notice to the SHO / IO concerned as to why the reply not filed. Let reply be filed by the next date of hearing preferably through the mode prescribed in the circular passed by Learned District & Sessions Judge(HQs) Delhi i.e. in electronic form through Learned Addl.PP concerned.

Learned counsel is not interested in V.C. At request, put up for reply through proper channel in court on **18/05/2020**.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

At this stage, reply is filed by SI Mithilesh Kumar. Accordingly, show cause notice be not issued. Put up on the date fixed.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

State Vs Gurmukh Singh @ Laddi vs State
FIR No. 81/2016
PS.: Gulabi Bagh
U/s: 392/397/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. S.N. Shukla, learned LAC for applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

Arguments heard.

In view of the facts of the present case on merit as well as in view of the directions passed by the Hon'ble High Court, the applicant / accused is admitted to interim bail for **a period of 45 days** from the date of release, on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

Encl: As Above

Enclose
Copy
[Signature]

Tihar, New Delhi
Dy. Superintendent
Central Jail No. 03
Tihar, New Delhi-110064

BAIL APPLICATION

FIR No. : 130/14

PS: Kamla Market

State v. Raj Bahadur

U/S: 419/420/365/392/395/412/120B IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajan Bhatia, Ld. Counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Report/reply not filed despite directions given by duty Sessions Judge dated 12.05.2020. It is further pointed out by counsel for accused that same IO even failed to file timely report/reply in other matters also. As such, a copy of this order be sent to DCP concerned also for his perusal. In any case, IO is directed to file reply positively preferably through electronic mode through PP concerned by NDOH.

It is stated by counsel for applicant that he wants physical hearing and does not prefer video conferencing.

As such, put up on 19.05.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

BAIL APPLICATION

FIR No. : 34/20
PS: Chandni Mahal
State v. Mohsin @ mass
U/S: 354/354A/354D IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Faraz Khan, Ld. counsel for applicant/accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

In view of order passed by Hon'ble High Court of Delhi in W.P. (C) 3037/2020 in case titled as Court on its own Motion v. State dated 15.05.2020, interim bail granted to the present accused vide order dated 18.04.2020, is further extended till 15.06.2020.

Further, a copy of this order be sent to SHO/IO concerned.

Counsel for accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

State Vs Ravi
FIR No. 385/2017
PS.: Pahar Ganj
U/s: 307/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. S.N. Shukla, learned counsel for the applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

The present case is u/s 307 r/w section 34 IPC but as per the report of Jail Superintendent, the accused is suffering from PLHA(HIV/AIDS).

As such, in view of the directions passed by the Hon'ble High Court, the applicant / accused is admitted to interim bail for **a period of 45 days** from the date of release, on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

State Vs Akash
FIR No. 385/2017
PS.: Pahar Ganj
U/s: 307/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. S.N. Shukla, learned counsel for the applicant.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Reply filed.

The present case is u/s 307 r/w section 34 IPC but as per the report of Jail Superintendent, the accused is suffering from PLHA(HIV/AIDS).

As such, in view of the directions passed by the Hon'ble High Court, the applicant / accused is admitted to interim bail for **a period of 45 days** from the date of release, on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. The present application stands disposed off accordingly. Learned counsel for the accused is at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

above

State Vs Govind
FIR No. 182/2017
PS.: Kamla Market
U/s: 392/397/34 IPC

16.05.2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for State.
Mr. S.N. Shukla, learned LAC for applicant / accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

As per the sections mentioned, the matter is covered u/s 392, 397 r/w section 34 IPC. Reply not filed by the IO. Such sections as involved in the present case are not verified.

Issue show cause notice to the IO as to why the reply has not been filed and why such sections not verified. Further copy of this order be sent to DCP concerned as the IO has failed to file reply despite specific directions dated 15/05/2020.

Put up on 18/05/2020.

(Naveen Kumar Kashyap)
ASJ-04(Central)Delhi/16.05.2020

CI: AS Above

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Central Jail No. 03
Tihar, New Delhi-110064

BAIL APPLICATION

FIR No. :491/15
PS: Subzi Mandi
State v. Sunil @ Kesto & Ors.
U/S: 307/34 IPC

16.05.2020.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Naveen Gaur, Ld. Counsel for applicant/
accused.

Observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

As per reply filed by IO, some more time is sought to give detailed reply.

Put up for filing of such reply preferably through electronic mode as prescribed by Ld. District Judge (HQ) through proper channel.

Issue notice to IO/SHO concerned accordingly to verify the medical document also.

Put up for further reply, arguments and appropriate orders on 19.05.2020.

At request of counsel for accused (Mobile no. 9873578142), next date of hearing would be through Video Conferencing.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16.05.2020

MOB: 9873578142
gaurassociates.singh@gmail.com

BAIL APPLICATION

State Vs Raju Lal Jaat
FIR No. 139/2011
PS: I.P. Estate
U/S: 364A/302/394/201/120B/34 IPC

16/05/2020

Present: Mr. Manoj Garg, Learned Substitute Addl. PP for the State.
Mr. Vikas Padora, Learned counsel for the applicant / accused through video conferencing.

The observations 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. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu 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) read with other directions received from time to time including on 18/04/2020, present application is taken up.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused Raju Lal Jaat dated 07/05/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. Further Presumption of

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innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a

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substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences

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punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances

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of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In this case, it is stated that father of the accused is not well; that he was granted interim bail on several occasions and he duly surrendered after availing the same which is a matter of record; that two of the co-accused have already been granted regular bail one by the Hon'ble High Court and thereafter to another one by the learned Trial Court. It is further pointed out that the role of present accused is ^{lesser} ~~less~~ than the other accused and he was not present at the time of alleged murder in question. It is further stated that his father is not well and needs to undergo surgery. As such, he be granted regular bail.

On the other hand, in reply dated 16/05/2020 filed by Inspector

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A.P. Singh, the factum of ailment and surgery of the accused parent is not denied. Further it is confirmed that there is no body else to look after him. It is further stated that mother of accused is also suffering from paralysis. It is further stated that he is involved in planning of the conspiracy of the offence in question. It is submitted by the IO that offence is heinous in nature including u/s 302 and 364A IPC. Under these circumstances, when bail to the co-accused is already granted by the Hon'ble High court recently on 24/04/2020, which order is perused by this court as annexed while granting bail to another co-accused Mohd. Javed. As such, the present accused is also granted bail i.e. on his furnishing a personal bond and surety bond in the sum of Rs. 15,000/- to the satisfaction of the Court, subject to the following conditions:

- i) The applicant will regularly appear on each and every date of hearing as may be fixed by the learned Trial Court;
- ii) The applicant shall keep the Investigating Officer Inspector Arvind, Police Station I.P. Estate (Mob No. 9717288003) informed about his whereabouts every Friday through SMS or telephone.

Learned counsel for the applicant / accused is at liberty to collect the order dastl or through electronic mode. Copy of order be uploaded on the website.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
16/05/2020