

Bail Application No.1236/2020
FIR No.291/2020
PS:Sarai Rohilla
U/s:394/397/34 IPC
State Vs. Satyam Shivam @ Shivam Kumar

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Manoj Kumar.
Sh. Anuj Kumar Garg, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof be supplied to Id. Counsel of applicant electronically.

Counsel of applicant/ accused seeks adjournment to go through the reply before advancing arguments on the bail application.

Put up on **22.09.2020** for arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.798/2020
FIR No.103/19
PS:HNZM Railway Station
U/s:306/34 IPC
State Vs. Ritesh Kumar

17.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ Inspector Shiv Charan Meena.
Sh. Pankaj Tripathi, Advocate for complainant.
Sh. Vikas Walia, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part submissions made. During the course of submissions, IO has informed that applicant / accused although joined the investigation but he has not provided certain documents and his mobile phone till date.

Counsel of applicant/ accused states at Bar that applicant shall cooperate with the investigation agency and shall provide the relevant documents as asked by the IO. Let him to do so in accordance with law.

IO is directed to file additional reply before the Court on or before next date with copy to Counsel of applicant.

Interim order to continue till next date of hearing.

Put up on **15.10.2020** for arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1229/2020
FIR No.178/2020
PS:Lahori Gate
U/s:498A/406/34 IPC
Mod. Shoaib & Anr. Vs. State

17.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Sandeep.
None for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof stated to have been supplied to Id. Counsel of applicant electronically.

Counsel of applicant/ accused has telephonically informed Reader of the Court that due to technical glitch, he is not able to join the hearing through VC today.

On telephonic request of counsel of applicant, put up on **22.09.2020** for arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1231/2020
FIR No.300/2020
PS:Sarai Rohilla
U/s:452/394/397/34 IPC
State Vs. Pooja

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vinod Nain,
Sh.S.N. Shukla , Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

On request, put up on **21.09.2020** for arguments on the bail application. In the meantime, IO is directed to file detailed reply disclosing the role allegedly played by present applicant and the evidence, if any, which surfaced on record against her, on or before next date with copy thereof to counsel of applicant.

Put up on **21.09.2020** for arguments on bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

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After considering the overall facts and circumstances of the case including nature of offence charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely Aftab is admitted to bail subject to furnishing personal bond in the sum of Rs.15,000/- with **one local surety** in the like amount to the satisfaction of Ld. MM/ Ld. Duty MM/ Ld.Link MM and shall be subject to the following conditions:

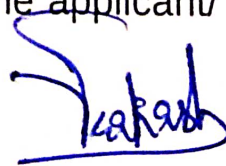
1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
2. The accused shall not misuse the benefit of bail by indulging in commission of similar offences in future.
3. The applicant shall join the investigation as and when directed to do so.
4. The applicant shall intimate the Court in case of change of his address., and
5. That the applicant shall be released on bail only after verification of his residential address as well as the residential address of the surety.

It is hereby made clear that in the event of violation of any of the bail conditions as detailed above, it shall be open for the complainant/ IO/ State to seek cancellation of bail being granted to the present applicant.

With these directions, the present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.

Attested copy of this order be sent to concerned Jail Superintendent on his official e-mail ID for being delivered to the applicant/ accused and for necessary compliance.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SI Narender Singh on behalf of IO.
Mohd. Sajid, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

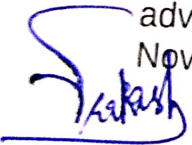
Report dated 16.09.2020 of DCP North has been received, wherein it is mentioned that replies of SI Narender and Inspector Satish Sharma are still awaited and the matter is under process.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is in custody since 23.03.2020 and nothing has been recovered either from his possession or at his instance. It is further argued that the wife of applicant is having advance stage of pregnancy and there is no other member in his family to look after his wife. It is further argued that the applicant is no more required for the purpose of investigation as charge-sheet has already been filed in this case. Therefore, he may be released on bail.

On the other hand, Ld. Addl. PP has opposed the bail application on behalf of State on the ground that the present applicant was previously absconding and was declared PO in this case on 12.01.2012 and also on the ground that he is repeated offender and he may again abscond in the event of his release on bail. Therefore, the bail application should not be allowed.

On specific query of the Court, SI Narender Singh has informed that the present applicant is charge-sheeted only in respect of offence punishable u/s 174A IPC and supplementary chargesheet qua has already been filed by him before the Court of Ld. MM. He has also confirmed that wife of the present applicant is having advanced stage of pregnancy and due date of delivery as per hospital records is in November 2020.



Contd.....2

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It is well settled law that all the relevant facts and pleas ought to have been raised and same would have been duly considered by this Court at the time of dismissing the previous anticipatory bail application of the applicant.

The Full Bench of Hon'ble High Court in the matter titled as "**Maya Rani Guin & etc. Vs. State of West Bengal**" reported at **2003 Cr.L.J. 1**, has categorically held that entertaining a second application for anticipatory bail would amount to review or reconsideration of the earlier order passed by a Division Bench having Coordinate Jurisdiction, as the accusation remains unchanged. The accusation being the sine-qua-non and which remains the same there cannot be any revival of "*reasons to believe*" or apprehension of arrest, which was considered by Court in the earlier application for anticipatory bail. Thus, the second application for anticipatory bail, even if new circumstances develop after rejection or disposal of the earlier application, is not maintainable under the law.

Similar view has been taken by our own High Court in the matter titled as **Kamlesh Gupta & Anr. Vs The State (NCT of Delhi)** reported at **2007 (2) JCC 1407** and also in the matter titled as **Balbir Kumar & Ors. Vs. State** reported at **2006 (3) JCC 1338**.

Taking guidance from the law discussed in the aforementioned judgments and applying the same to the facts of the present case, there is no scope of doubt that the present anticipatory bail application is not maintainable under the law. Consequently, same is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1192/2020
FIR No.391/2020
PS:Karol Bagh
U/s:186/353/506/34 IPC
State Vs. Jawahar Lal

17.09.2020

This is 2nd application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Sh. O.P. Mishra with Sh. Ashok Sharma, Advocate for applicant/
accused.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

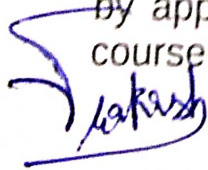
Arguments on bail application heard. Reply perused.

This is the second application U/s 438 Cr.PC for grant of anticipatory bail moved on behalf of applicant/accused. His previous anticipatory bail application was dismissed this Court vide detailed order passed on 07.09.2020.

At the very outset, Ld. Additional PP has raised objection to the maintainability of second anticipatory bail application on the ground that since previous anticipatory bail application of this applicant has already been dismissed by this Court on 07.09.2020 and thus, second anticipatory bail application is not maintainable under law.

Ld. counsel of applicant has been called upon to advance arguments on the issue of maintainability of second anticipatory bail application in the light of aforesaid submission made by Ld. Additional PP on behalf of State.

Ld. counsel of applicant simply submits that second anticipatory bail application is maintainable under the law as facts were not properly submitted before this Court by previous counsel at the time of dismissal of previous bail application on 07.09.2020. He has submitted that there is a delay of 05 days in registration of FIR in question, which fact was not raised by applicant in his previous anticipatory bail application or even during the course of arguments before the Court.



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Bail Application No.967/2020
Along with Misc Application No. 89/2020,
1232/2020 & 135/2020
FIR No.255/19
PS:Prasad Nagar
U/s:406/420/120B IPC
State Vs. Amresh Mishra

17.09.2020

This is 3rd application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Ranvir Singh,
Sh. Ajay Majithia, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

The present bail petition is listed for hearing on 23.09.2020 but it has been taken up today in view of an application dated 16.09.2020 moved by Counsel of applicant/ accused seeking permission to withdraw the same.

Heard on the application dated 16.09.2020.

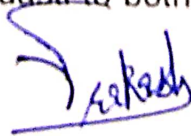
Counsel of applicant/ accused states at Bar that since the applicant has already approached Hon'ble Delhi High Court by way of petition u/s 482 Cr.PC for quashing of order dated 06.08.2020 passed by Sessions Court whereby his second anticipatory bail application was dismissed, he has instructions from the applicant/ accused to withdraw the present bail petition as well as all other misc. applications filed during pendency of the present bail petition. Hence, Ld. Counsel of applicant seeks permission to withdraw the present bail application.

Ld. Addl. PP of State submits that there is no objection in case the aforesaid request made by counsel of applicant is allowed.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present bail petition and all the pending misc. applications are dismissed as withdrawn.

Next date of 23.09.2020 stands cancelled.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.895/2020
FIR No.265/2020
PS:Saria Rohilla
U/s:326/341/34IPC
State Vs. Mohd. Jahid

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SI Pushpender on behalf of IO/ ASI Ashok Kumar.
Sh. Birender Sagwan, Advocate for applicant/ accused.

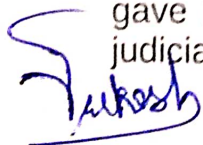
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is in custody since 26.07.2020 and nothing has been recovered either from his possession or at his instance. It is further argued that applicant is having clean antecedents and he is no more required for the purpose of investigation which is already completed and no useful purpose would be served by keeping him behind the jail as trial is not likely to be completed in near future. It is further argued that FIR was initially registered for offences punishable u/s 326/341/34 IPC and offence u/s 307 IPC is added subsequently in order to make it more graver offence. It is submitted that the applicant is ready to abide by the terms and conditions as may be imposed upon him by the Court while granting bail.

On the other hand, Id. Addl. PP opposed the bail application on the ground that the allegations against the applicant/ accused are grave and serious in nature. It is argued that the applicant/ accused is his associates gave multiple stab injuries to the victim and he has refused to participate in judicial TIP. Therefore, the bail application may be dismissed.



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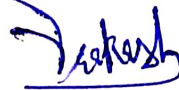
Bail Application No.895/2020
FIR No.265/2020
PS:Saria Rohilla
U/s:326/341/34IPC
State Vs. Mohd. Jahid

-2-

In brief, it is alleged that the present applicant along with co-accused persons gave stab injury despite the fact that minor scuffle had taken place between them. The victim is shown to have sustained multiple stab injury including incised wounds with sharp object in his MLC. The result on MLC is yet to be provided as per reply filed today on behalf of IO. The present applicant refused to participate in his judicial TIP during investigation which is stated to be still going on.

After considering the overall facts and circumstances of this case including the nature of allegations, gravity of offence and the role allegedly played by the present applicant and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given ~~casti~~ to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1225/2020
FIR No.30/2020
PS:Rajender Nagar
U/s:307/387/452/120B/34 &
Sec. 25/27 Arms Act
Varun Vashisht @ Pandit Ji Vs. State

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Mahipal Singh.
Sh. Rajal Rai Dua, Advocate for complainant.
Sh. Sahil Sharma, Advocate for applicant/ accused.

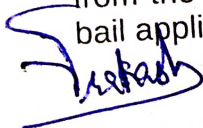
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is in custody since 08.03.2020 and nothing has been recovered either from his possession or at his instance. It is further argued that the applicant is having clean antecedents and he is young boy 22 years old having bright future ahead. It is further argued that the weapons allegedly used in the commission of crime, already recovered and the investigation is already completed and there is no likelihood of completion of trial in near future due to pandemic situation and therefore, no purpose would be served by keeping the applicant behind the jail. Hence, he may be released on bail.

On the other hand, Id. Addl. PP, duly assisted by Id. Counsel of complainant, opposed the bail application on the ground that the allegations against the applicant/ accused are grave and serious in nature. It is argued that the present applicant has played main role in the commission of crime as he was one amongst the offenders having fired towards the victim and pistol used by him in the commission of crime, has also been recovered at his instance. It is further argued by Counsel of complainant that there is continuous threat perception to the complainant from the side of accused persons including the present applicant and therefore, the bail application may be dismissed.



Contd.....2

Bail Application No.1225/2020
FIR No.30/2020
PS:Rajender Nagar
U/s:307/387/452/120B/34 &
Sec. 25/27 Arms Act
Varun Vashisht @ Pandit Ji Vs. State

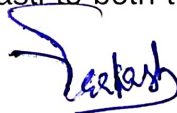
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In brief, it is alleged that on account of money dispute between co-accused Abhay Arora and Rohit Kalra (who is brother of complainant), said co-accused took advise from his friend Lakhon Verma, who told him that his brother-in-law Sushil @ Sillu was having association with dreaded criminals like Naveen Bali and Amit Sukla and they can get his money recovered. He also shared the relevant details of Rohit Kalra. Thereafter, conspiracy was allegedly hatched amongst the accused persons including the present applicant and on the intervening night of 23-24.02.2020, the accused persons including the present applicant fired several rounds towards the victims and fled away from there.

As per reply of IO, the present applicant got recovered weapon of offence for which separate FIR No.32/2020, u/s 25 Arms Act was registered at PS Rajender Nagar. IO has shown Flow Chart in reply in order to highlight the conversation which allegedly took place between the accused persons including the present applicant. IO has mentioned in the reply that the complainant and his family members are highly panic after the incident.

After considering the overall facts and circumstances of this case including the nature of allegations, gravity of offence and the role allegedly played by the present applicant and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1226/2020
FIR No.30/2020
PS:Rajender Nagar
U/s:307/120B/34 IPC &
Sec. 25/54/59 Arms Act
State Vs. Abhay Arora

17.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail for a period of 45 days moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Mahipal Singh.
Sh. Rajal Rai Dua, Advocate for complainant.
LAC Sh.S.N. Shukla, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

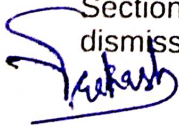
Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

By way of this application, the applicant is seeking interim bail of 45 days while taking reliance upon minutes dated 18.05.2020 of High Power Committee on the ground that since he is charged with offence u/s 307 IPC and is in custody for more that six months, his date of arrest being 28.02.2020, he is entitled to be granted interim bail.

Counsel of applicant / accused has relied upon the aforesaid minutes of HPC and also pointed out to the conduct certificate annexed with the bail application, in order to highlight his point that the case of present applicant is fully covered in the category of cases in which accused persons are to be granted interim bail as per recommendation made by HPC. He, therefore, urged that the present bail application may be considered sympathetically and he may granted interim bail.

Per contra, Id. Addl. PP duly assisted by counsel of complainant, opposed the bail application on the ground that the allegations against the present applicant are grave and serious and his two previous regular bail applications have already been dismissed by Sessions Court. Counsel of complainant submitted copy of order dated 24.08.2020 passed by Sessions Court whereby second regular bail application was dismissed. It is further argued that the case of present applicant is not covered by the minutes dated 18.05.2020 of HPC inasmuch as the applicant is also charged with offences u/s 387/ 452 IPC and u/s 25/27 Arms Act, besides Section 307/120B IPC. It is, therefore, urged that the bail application may be dismissed.



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Bail Application No.1226/2020
FIR No.30/2020
PS:Rajender Nagar
U/s:307/120B/34 IPC &
Sec. 25/54/59 Arms Act
State Vs. Abhay Arora

-2-

It is relevant to note that the relevant offences punishable u/s 387/ 452 IPC are not mentioned in the bail petition despite the fact that the present bail application is shown to have been moved on behalf of accused through Jail Visiting Counsel of DLSA. It is an undisputed fact that section 387/452 IPC are not covered in the criteria laid down by HPC in the minutes of the various meetings.

Be that as it may, it is relevant to note that regular bail application of present applicant was dismissed vide detailed speaking order dated 24.08.2020 passed by Sessions Court, wherein all the relevant aspects were considered by the Court. The Flow Chart showing the manner in which criminal conspiracy was executed by the accused persons including the present applicant, would show the gravity of offences and the manner in which same were committed against the victims who are stated to be under constant threat fear of their lives and property, as reply of IO.

After considering the overall facts and circumstances of this case including the nature of allegations, gravity of offence and the role allegedly played by the present applicant and in the light of discussion made herein above, Court is of the view that it is not a fit case for grant of interim bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1193/2020
FIR No.394/2020
PS:Karol Bagh
U/s:420/406/506 IPC
State Vs. Nitin Agarwal

17.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Shri Narayan with police file.
Sh. Vijay K. Gupta, Advocate for applicant/ accused (through VC).

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Vide this order, I shall decide the issue of maintainability of the present bail application, as raised on behalf of State on the ground the present anticipatory bail application has been moved by applicant through his wife.

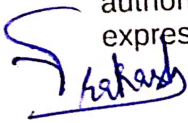
Arguments on the aforesaid issue were heard on behalf of both the sides on 15.09.2020.

I have gone through the proceedings and have also considered the rival submissions on behalf of both the sides on the aforesaid issue.

It may be noted that the applicant is Nitin Aggarwal and he is seeking pre-arrest bail but he himself has neither signed the bail petition nor he is shown to have executed vakalatnama in favour of the counsel namely Sh. Vijay K.Gupta who has moved the present application. The application and scanned copy of vakalatnama filed therewith, are purportedly signed by Ms. Dimple Aggarwal who is claimed to be wife of the present applicant.

Ld. Addl. PP and counsel of complainant had argued that the bail application has to be moved under the signature of applicant, which is not the case herein and therefore, the bail application is not maintainable under the law.

On the other hand, Id. Counsel of applicant argued that applicant himself is under immense threat and pressure due to registration of FIR in question and he is rendered homeless by the complainant and his associates and that is why, the present bail application has been moved through his wife who has duly authorized him to move the present bail application. He submitted that there is no express bar under the law in moving such application through family members.



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Bail Application No.1193/2020
FIR No.394/2020
PS:Karol Bagh
U/s:420/406/506 IPC
State Vs. Nitin Agarwal

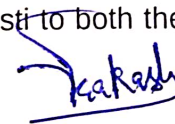
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It is an undisputed fact that the applicant is not yet arrested in this case and that is why, he is seeking pre-arrest bail in this case through his wife. In this backdrop, Court agrees with the objection raised on behalf of the State that there is no reason as to why the applicant himself cannot sign the vakalatnama in favour of the Counsel, in case, he had issued instructions for moving the present bail application. What is more interesting to note is that copy of reply dated 11.09.2020 of notice u/s 41A Cr.PC purportedly filed by wife of applicant with SHO PS Karol Bagh is annexed along with bail petition, wherein she herself has mentioned in para (a) that applicant is not keeping good relations with her for last one year and is avoiding her for one reason or the other due to financial crunch and lack of business. If that is the position, Court has serious doubt that how the wife of applicant is competent to engage counsel for moving anticipatory bail application on behalf of her husband.

In the recent decision dated 11.06.2020 passed in Bail Application N.1010/2020 by Hon'ble Delhi High Court, it has been observed in para no. 4 that Counsel for applicant/ petitioner filed same petition again and there was carelessness on the part of the Counsel that he did not bother even to take instructions from his client and filed the bail application before Hon'ble High Court. On that basis alone, the bail application was dismissed by Hon'ble High Court as it was filed before the Court without proper authorization.

In view of the overall facts and circumstances and discussion made herein above, Court is of the view that the present bail application is moved without proper authorization and thus, same is not maintainable under the law. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1228/2020
FIR No.11/2020
PS:ODRS
U/s:370 IPC
State Vs. Mashkooor Alam @ Makshur Alam

17.09.2020

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

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO / ASI Satyavir Singh.
Sh. Najmuddin Ahmad Ansari, Advocate for applicant/ accused.

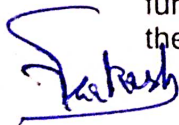
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case and he is in custody since **08.09.2020**. It is further argued that both the rescued children are relatives of the present applicant and he has nothing to do with the alleged crime and he is having clean antecedents. It is further argued that there is no incriminating evidence against the present applicant/ accused in this case. It is further argued that applicant is no more required for the purpose of investigation and no useful purpose shall be served by keeping him behind the Jail. In support of these submissions, Counsel of applicant has also referred to the copies of Aadhar cards and that of Ration Card of applicant, as annexed with the bail application. It is, therefore, urged that the applicant/ accused may be released on bail.

On the other hand, Id. Addl.PP has opposed the bail application on the ground that the allegations against the applicant/ accused are grave and serious in nature. It is further argued that on the basis of complaint, raid was conducted and 14 children were rescued by the police and out of those children, two children were recovered from the possession of present applicant/ accused. It is further argued that investigation is still going on in this case. Therefore, the bail application may be dismissed.



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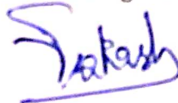
Bail Application No.1228/2020
FIR No.11/2020
PS:ODRS
U/s:370 IPC
State Vs. Mashkooor Alam @ Makshur Alam

-2-

In brief, it is alleged that on the basis of complaint received from Bachpan Bachao Andolan regarding trafficking of children through Mahanada Express Train, raiding team at PS ODRS was constituted and on arrival of said train at Delhi, 14 children were rescued from the possession of different persons. Two minor children aged about 14 years old, were allegedly recovered from the possession of the present applicant/ accused.

It is informed that investigation regarding age inquiry of rescued children are still going on and the parents of children rescued from the present applicant/ accused, are yet to be examined in this case. Thus, release of present applicant on bail at this stage, may hamper the course of the investigation which is shown to be at crucial stage. Hence, Court is of the view that no ground is made out at this stage for grant of bail to the applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1240/2020 & 1241/2020
FIR No.0204/19
PS:Prasad Nagar
U/s 363 IPC & Sec.75 of JJ Act
& Section 14 of Child Labour Act.
(1) Gurpal Singh (2) Dinesh Sahni Vs. State

17.09.2020

These are two separate applications u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Sanjay Kumar.
Sh.Sandeep Puri, Advocate for applicants/ accused persons.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

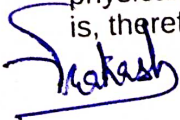
Separate replies of both the bail applications filed. Copies thereof supplied to Id. Counsel of applicants electronically.

Arguments on both the bail applications heard. Replies perused.

Vide this common order, both these applications are being disposed of together as they arise out of same FIR.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicants/ accused persons that they are totally innocent and have been falsely implicated in this case and they have nothing to do with the alleged offences. It is further argued that applicant Dinesh Sahni is the real uncle of victim child and he had brought the said child to the house of applicant Gurpal Singh with representation that child was aged 14 years old and requested him to keep as maid and the child shall also learn some work while doing some study. It is further argued that the applicant Gurpal Singh has already deposited a sum of Rs. 1,17,134/- in lieu of back earned wages till the attaining the age of majority of child, in terms of direction issued by CWC. It is further argued that all the offences are punishable upto three years and the applicants are ready to join the investigation, if so required but they apprehend their arrest in this case, they may be protected.

Per contra, both the bail applications are opposed by Id. Addl. PP assisted by Counsel of complainant on the ground that both these applicants do not deserves pre-arrest bail as the applicant Dinesh brought minor child aged 11 years and handed him over to applicant Gurpal Singh who committed mental and physically torture upon the child by forcing him to do household work in his house. It is, therefore, urged that both the bail applications may be dismissed.



Contd.....2

Bail Application No.1240/2020 & 1241/2020
FIR No.0204/19
PS:Prasad Nagar
U/s 363 IPC & Sec.75 of JJ Act
& Section 14 of Child Labour Act.
(1) Gurpal Singh (2) Dinesh Sahni Vs. State

-2-

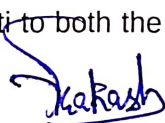
In brief, FIR in question was initially registered for the offence punishable u/s 363 IPC on the statement of mother of victim child regarding missing of said child. After the recovery of said child, necessary inquiry made with regard to his age, revealed that the child was aged about 11 years old at the time he started working in the house of applicant Gurpal Singh, on which offences u/s Sec.75 of JJ Act & Section 14 of Child Labour Act were added during investigation.

I have gone through the copy of statement u/s 164 Cr.PC of the victim child, as filed along with reply of IO. The victim child stated therein that he was doing normal household chores in the house of applicant Gurpal Singh. He nowhere alleged to have been compelled to work or beaten up by said applicant. There is no allegation any kind of his maltreatment at the hands of either of these two applicants.

Even otherwise, the victim child has already been recovered in this case. IO has affirmed in the reply that the aforesaid amount as directed by CWC, has already been deposited. Both these applicants are not shown to be found previously involved in any other case. They are also not shown to be required for the purpose of custodial interrogation in any manner.

Considering the overall facts and circumstances of the case and in the light of discussion made herein above, both the bail applications are allowed and it is hereby ordered that in the event of their arrest, the applicants/ accused persons shall be released on bail subject to their furnishing personal bonds and surety bonds in the sum of Rs.10,000/-each to the satisfaction of IO/ SHO concerned and subject to the condition that they shall join the investigation as and when required to do so and they shall also cooperate with the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1240/2020 & 1241/2020
FIR No.0204/19
PS:Prasad Nagar
U/s 363 IPC & Sec.75 of JJ Act
& Section 14 of Child Labour Act.
(1) Gurpal Singh (2) Dinesh Sahni Vs. State

17.09.2020

These are two separate applications u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Sanjay Kumar.
Sh.Sandeep Puri, Advocate for applicants/ accused persons.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

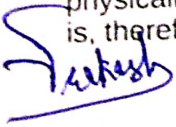
Separate replies of both the bail applications filed. Copies thereof supplied to Id. Counsel of applicants electronically.

Arguments on both the bail applications heard. Replies perused.

Vide this common order, both these applications are being disposed of together as they arise out of same FIR.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicants/ accused persons that they are totally innocent and have been falsely implicated in this case and they have nothing to do with the alleged offences. It is further argued that applicant Dinesh Sahni is the real uncle of victim child and he had brought the said child to the house of applicant Gurpal Singh with representation that child was aged 14 years old and requested him to keep as maid and the child shall also learn some work while doing some study. It is further argued that the applicant Gurpal Singh has already deposited a sum of Rs. 1,17,134/- in lieu of back earned wages till the attaining the age of majority of child, in terms of direction issued by CWC. It is further argued that all the offences are punishable upto three years and the applicants are ready to join the investigation, if so required but they apprehend their arrest in this case, they may be protected.

Per contra, both the bail applications are opposed by Id. Addl. PP assisted by Counsel of complainant on the ground that both these applicants do not deserves pre-arrest bail as the applicant Dinesh brought minor child aged 11 years and handed him over to applicant Gurpal Singh who committed mental and physically torture upon the child by forcing him to do household work in his house. It is, therefore, urged that both the bail applications may be dismissed.



Contd.....2

Bail Application No.1240/2020 & 1241/2020
FIR No.0204/19
PS:Prasad Nagar
U/s 363 IPC & Sec.75 of JJ Act
& Section 14 of Child Labour Act.
(1) Gurpal Singh (2) Dinesh Sahni Vs. State

-2-

In brief, FIR in question was initially registered for the offence punishable u/s 363 IPC on the statement of mother of victim child regarding missing of said child. After the recovery of said child, necessary inquiry made with regard to his age, revealed that the child was aged about 11 years old at the time he started working in the house of applicant Gurpal Singh, on which offences u/s Sec.75 of JJ Act & Section 14 of Child Labour Act were added during investigation.

I have gone through the copy of statement u/s 164 Cr.PC of the victim child, as filed along with reply of IO. The victim child stated therein that he was doing normal household chores in the house of applicant Gurpal Singh. He nowhere alleged to have been compelled to work or beaten up by said applicant. There is no allegation any kind of his maltreatment at the hands of either of these two applicants.

Even otherwise, the victim child has already been recovered in this case. IO has affirmed in the reply that the aforesaid amount as directed by CWC, has already been deposited. Both these applicants are not shown to be found previously involved in any other case. They are also not shown to be required for the purpose of custodial interrogation in any manner.

Considering the overall facts and circumstances of the case and in the light of discussion made herein above, both the bail applications are allowed and it is hereby ordered that in the event of their arrest, the applicants/ accused persons shall be released on bail subject to their furnishing personal bonds and surety bonds in the sum of Rs.10,000/-each to the satisfaction of IO/ SHO concerned and subject to the condition that they shall join the investigation as and when required to do so and they shall also cooperate with the Investigation Agency.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020

Bail Application No.1227/2020
FIR No.157/2020
PS:DaryaGanj
U/s:420 IPC
State Vs. Kamal Goyal @ Chotu

17.09.2020

This is 2nd application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO /SI Sonal Raj.
Sh.Surender Kumar, Advocate for applicant/ accused.

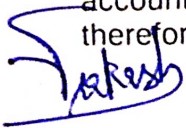
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, Counsel of applicant has argued that the applicant is totally innocent and has been falsely implicated in this case. It is further argued that applicant is having clean antecedents and he is in custody since 27.08.2020. It is further argued that he has nothing to do with the alleged crime and there is no incriminating evidence whatsoever available on record against him. It is further argued that the applicant is young unmarried boy aged 22 years old and he is no more required for the purpose of investigation which is already completed and no useful purpose shall be served by keeping him behind the jail as trial is not likely to be completed in near future on account of pandemic situation due to COVID-19. It is further argued that nothing incriminating has been recovered either from the possession of present applicant or at this instance and the alleged recovery falsely planted upon him in order to create evidence in this case. It is further argued that applicant is falsely roped in this case by the police officials as he could not grease their palms. It is, therefore, urged that he may be released on bail.

Per contra, the bail application is strongly opposed by Ld. Addl. PP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is further argued that the present applicant was part of criminal conspiracy amongst the accused persons and they all are found to have duped 130 innocent victims by using modus operandi of asking to share OTPs of Credit cards/ Debit Cards from innocent persons and to withdraw considerable amount from their bank accounts. It is further argued that the investigation is going on in this case. It is therefore, urged that the bail application may be dismissed.



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In brief, FIR in question came to be registered on the complaint of Sh. Vipin Bhatnagar, wherein he alleged that on 28.04.2020, he was duped by some persons who managed to obtain OTP from him and made withdrawal of Rs.1500/- and Rs. 3599.50/- from his credit card. During investigation, co-accused Pawan and Mohd. Zahid (who is brother of present applicant) were arrested and disclosed the names of co-accused persons as well as modus operandi which was used by them.

It is claimed that money withdrawn from the bank account of complainant was transferred to Paytm account of co-accused Tulsi and thereafter, said money was transferred to the account of co-accused Pawan. The investigation carried out so far, has revealed that total 130 such transactions were made by the syndicate of accused persons to the Mobikwik Wallets which were registered on fake IDs and out of them, details of 78 victims has been collected so far. The investigation with regard to the remaining victims is statedly being conducted by IO. The entire syndicate, of which present applicant was allegedly part of it, used to obtain data of credit cards of different banks and were using Sim numbers obtained on the basis of fake IDs and mobile wallets also got issued on fake IDs and they all used to lure customers by stating to them that they had got some cash backs/ Insurance amount which would be refunded to them and used to obtain IVR and OTPs from them on said pretext.

As per reply of IO, the mobile phone present applicant was seized, wherein banking data of the customers was found and it also revealed his connection with co-accused persons.

After considering the overall facts and circumstances of this case, gravity of offences involved in this case and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of concession of bail to the applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
17.09.2020