

FIR No. 55/19
PS: Civil Lines
U/s: 392/397/411 IPC
Sagar @ Ashu Vs. State

25.06.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Ld. Counsel for applicant/accused. **(Through V/C)**.

1. This is an application u/s 439 Cr.PC on behalf of applicant/accused, seeking Regular bail. Reply filed by IO.
2. Arguments heard.
3. Trial of the case is pending in the court of undersigned and is at the stage of prosecution evidence. The victim of the crime has been examined as PW-1.
4. The case of the prosecution is that on 19.03.2019, accused robbed the mobile phone of the complainant on the point of cutter. After robbing the mobile phone, accused was trying to run away from the spot, however, he was apprehended by one Constable who was present near the spot.
5. Ld. Counsel for applicant submits that applicant has been falsely implicated in this case. He also submits that in the Minutes of Meeting dated 18.05.2020 of HPC, it has been resolved that to prevent the spread of Covid-19 and to ensure social distancing amongst prisoners, the UTPs facing trial u/s 302 IPC, 304 IPC and in theft cases be considered for grant of bail and the applicant falls under the category of theft cases of the Minutes dated 18.05.2020. He further submits that applicant is sole bread earner in his family. His mother has already expired and prior to his arrest, he was residing with his old aged grandmother. After the arrest of the applicant, there is nobody to lookafter his

FIR No. 55/19
PS: Civil Lines

grandmother. Applicant is in JC since 19.03.2019. He submits that public witnesses have been examined. The applicant is not further required for investigation purpose. He is a young boy not involved in any other case.

6. Ld. APP oppose the bail application as he submits that the allegations against the applicant are serious in nature. The applicant was caught at the spot itself. He submits that as per the report of the IO, the applicant is not residing at the address given by him at the time of his arrest, regarding which the IO has filed his report alongwith statements of two persons, one of Sh. Jagannath, who is residing on the address given by the accused as his address and said Jagannath has stated that he is residing on the said address from last 40 years and he does not know any person by the name of applicant. Ld. APP submits that statement of one Aditya Verma residing adjacent to the address given by the applicant is also annexed with the report of the IO and said Aditya Verma has also supported the version of Jagannath that the latter is residing on the said address from last 40 years and he also does not know any Sagar @ Ashu. Ld. APP further submits that PW-1 has already been examined in the court and has fully supported the case of the prosecution and if applicant is admitted on bail, he may flee from the trial as he has no permanent address.

7. I have considered the arguments advanced by Ld. APP and counsel for applicant and perused the file. The applicant does not fall within the parameters of Minutes dated 18.05.2020 of HPC since in the said Minutes only the cases u/s 302/304 IPC & theft cases are covered but not the robbery cases.

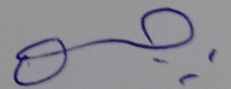
FIR No. 55/19
PS: Civil Lines

Otherwise also, the applicant cannot claim bail as a matter of right even if falling under the said criteria.

8. As per the report of the IO, the accused/applicant does not have any permanent address. The judicial record shows that earlier also in April-2019, the bail application was filed on behalf of the applicant, however, the said application was dismissed as withdrawn vide order dated 12.04.2019, passed by Ld. ASJ. While withdrawing the said application by the counsel of applicant, he requested the Ld. ASJ to direct the Jail Superintendent to provide de-addiction treatment to the applicant in the jail, which was so ordered by the Ld. ASJ in his order dated 12.04.2019.

9. In the facts and circumstances of the case that applicant has no permanent address, he is drug addict and considering the submissions of Ld. APP that PW-1 has already been examined and supported the case of the prosecution, the possibility that if applicant is admitted on bail, he may flee from trial, cannot be ruled out, ~~hence~~, at this stage, no ground for bail is made out. Accordingly, the present application is hereby dismissed.

Copy of this order be given dasti to the applicant.



(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-25.06.2020

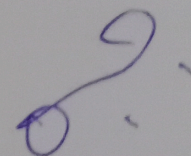
FIR No. 241/19
PS: Kamla Market
U/s: 302/34 IPC
Upendra Yadav @ Upendra Pratap Vs. State

25.06.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. (Through V/C).
IO Inspector Shyoram Yadav.
Ld. Counsel for applicant/accused. (Through electronic mode)

Reply filed by IO. IO submits that chargesheet has been filed in the court of Ms. Shama Gupta, Ld. Duty MM, on 13.04.2020. Let chargesheet be called for next date.

Put up on 04.07.2020.



(Charu Aggarwal)
ASJ-02/Central
Tis Hazari/Delhi
25.06.2020

FIR No. 265/20
PS: Karol Bagh
U/s: 25/54/59 Arms Act
Ishant @ Mukesh Vs. State

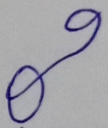
25.06.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. (Through V/C).
Sh. A. A. Quresh, Ld. Counsel for applicant/accused.

This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Ishant @ Mukesh, seeking regular bail.

At this stage, counsel for applicant submits that he does not want to press the present application, therefore, same be dismissed as withdrawn. Statement of counsel for applicant recorded separately to this effect.

In view of statement of counsel for applicant, the present application is dismissed as withdrawn.


(Charu Aggarwal)
ASJ-02/Central
Tis Hazari/Delhi
25.06.2020

FIR No. 265/20
PS: Karol Bagh
U/s: 25/54/59 Arms Act
Gagan @ Satender @ Mota Vs. State

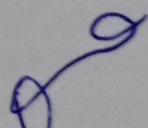
25.06.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Sh. A. A. Quresh, Ld. Counsel for applicant/accused.

This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Gagan @ Satender @ Mota, seeking regular bail.

At this stage, counsel for applicant submits that he does not want to press the present application, therefore, same be dismissed as withdrawn. Statement of counsel for applicant recorded separately to this effect.

In view of statement of counsel for applicant, the present application is dismissed as withdrawn.


(Charu Aggarwal)
ASJ-02/Central
Tis Hazari/Delhi
25.06.2020

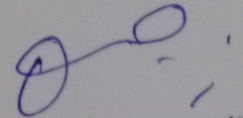
FIR No. 276/16

PS: DBG Road

- (v) Applicant will not leave the country without permission of the court;
- (vi) Applicant shall mark his attendance before the concerned IO/SHO through audio or video mode once in a week, preferably on each Monday between 10:00 AM to 06:00 PM.

The applicant is disposed off accordingly.

Copy of this order be sent to the Jail Superintendent for information/compliance.



(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-25.06.2020

FIR No. 276/16
PS: DBG Road
U/s: 302/201/120-B IPC
Raja Ram Vs. State

25.06.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Sh. Sachin Jain, Ld. LAC for applicant/accused. **(Through electronic mode)**.

This is an application u/s 439 Cr.PC moved on behalf of applicant/accused through DLSA, seeking interim bail in view of the criteria laid down by High Power Committee in its Minutes dated 18.05.2020. Reply filed by IO that applicant is not involved in any other case. As per the report of the Jail Superintendent, the conduct of the applicant is satisfactory in the jail. The applicant is in JC since 08.01.2017. The applicant is covered with the criteria dated 18.05.2020 of HPC, hence, he (applicant Raja Ram) is admitted on interim bail for 45 days, from the date of his release **and subject to verification of address of the applicant by the Jail Superintendent through IO** and subject to the following conditions:-

- (i) Applicant shall furnish personal bond to the tune of Rs. 10,000/- to the satisfaction of concerned Jail Superintendent;
- (ii) Applicant is directed to surrender before the concerned Jail Superintendent immediately after the expiry of period of his interim bail;
- (iii) Applicant is directed not to contact and influences the witnesses during the period of his interim bail;
- (iv) Applicant will provide his mobile number to the IO/SHO within 02 days from his release and will keep the said phone switch on all the time;