

FIR No. 358/19
PS: Kashmere Gate
U/s: 302 IPC
Govinda @ Golu Vs. State
28.07.2020

Matter taken up through Video Conferencing (Cisco Webex).


Present: Sh. Virender Singh, Ld. Addl. PP for State.
Ld. Counsel for applicant/accused Govinda @ Golu.

The present application u/s 439 Cr.PC has been moved on behalf of applicant/accused Govinda @ Golu, seeking regular bail. Reply filed by the IO. During the course of arguments, Ld. Counsel submitted that he does not want to press the regular bail application of the applicant at this stage but he submits that applicant be admitted only on interim bail for 15 days to visit his family. He submits that after the arrest of the applicant, his father suffered from paralytic attack and his wife gave birth to a child, to whom the applicant has not seen till now, therefore, he be permitted to visit his family in order to see his newly born child and paralytic father. Medical documents in regard to the alleged illness of father and birth of child furnished by Ld. Counsel. The medical documents are of various hospitals. IO has verified the documents of St. Stephen Hospital and found the same to be genuine. IO seeks time to verify the remaining medical documents of other hospitals. I do not find it necessary to get verified the other medical documents of applicant's father and

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his wife since as per own submissions of the counsel, neither the applicant's father nor his wife are suffering from any life threatening disease making the presence of applicant indispensable in the family. The other ground of giving birth to a child by applicant's wife is not found to be good ground to admit the applicant on bail. There are serious allegations against the applicant and matter is at the initial stage of charge, hence, no ground for interim bail is made out. The present application is hereby dismissed.

Copy of this order be given dasti to the applicant's counsel.


(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-28.07.2020

FIR No.84/14
PS: Darya Ganj
U/s: 307/302/174-A/201/34 IPC
Ashraf Vs. State

28.07.2020

Matter taken up through Video Conferencing (Cisco Webex).

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Ld. Counsel for applicant/accused Ashraf.

This is the third bail application u/s 439 Cr.PC moved on behalf of applicant/accused Ashraf, seeking interim bail on the ground of illness of his mother. Reply filed by the IO. Earlier, two applications filed by the applicant on the same ground, have already been dismissed by this court vide order dated 18.06.2020, thereafter, vide order dated 10.07.2020. No change of circumstance is pointed out by Ld. Counsel since dismissal of earlier bail applications on the same ground. Though, on last date of hearing, counsel for applicant submitted that mother of the applicant is serious and needs immediate care of the applicant and there is no one in his family to look after her. IO was specifically directed to verify whether mother of the applicant is serious. As per the inquiry conducted by the IO from the concerned Doctor treating the applicant's mother, her condition is not serious but Doctor has said that due to her age of 55 years she needs care.


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The Doctor's opinion that applicant's mother needs care only because of her age is vague and is not found to be good ground to admit the applicant on bail, hence, the present applicant is hereby dismissed.

Copy of this order be given dasti to the applicant's counsel.


(Charu Aggarwal)
ASJ-02/Central Distt.
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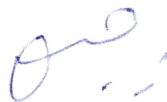
FIR No.260/17
PS: Kashmere Gate
U/s: 307/34 IPC
Lucky Vs. State

28.07.2020

Matter taken up through Video Conferencing (Cisco Webex).

Present: Sh. Virender Singh, Ld. Addl. PP for State.
Ld. Counsel for applicant/accused Lucky.


1. The present application u/s 439 Cr.PC has been moved on behalf of applicant/accused Lucky, seeking interim bail for 45 days. Reply filed by the IO.
2. Arguments heard.
3. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case. He further submits that applicant is covered with the Criteria dated 18.05.2020, laid down by the Hon'ble HPC since the applicant is in JC since 2017, he is not previous involved and his jail conduct is satisfactory.
4. Ld. APP strongly oppose the bail application as he submits that there are serious allegations against the applicant. He was actively involved in the offence as he gave stab injuries to the injured with knife. Applicant is stated to be a vagabond having no permanent address, therefore, Ld. APP submits that his bail application be dismissed.



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5. I have considered the arguments advanced by Ld. APP and Ld. Counsel for applicant. As per the report of the Jail Superintendent, the conduct of applicant is not satisfactory in jail as he was repeatedly punished in the jail, hence, the applicant is not covered in the criteria dated 18.05.2020 of Hon'ble HPC. As per the reply filed by the IO, applicant is a vagabond having no permanent address in Delhi. In the bail application, the applicant has given his address of Raghuvir Nagar, Delhi. IO has verified the said address also and found that on the said address applicant's cousin brother Mukesh resides with his family but not the applicant. The fact that applicant is a vagabond, is also mentioned in the initial complaint on the basis of which FIR was registered. The matter is at the stage of prosecution evidence, keeping in mind that applicant is a vagabond, there are all chances that he may flee from trial, even if, admitted on interim bail. Hence, no ground for bail is made out. The present application is hereby dismissed.

Copy of this order be given dasti to the applicant's counsel.


(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-28.07.2020

FIR No. 187/19
PS: Sadar Bazar
U/s: 302 IPC
Wasim Akram Vs. State

28.07.2020

Matter taken up through Video Conferencing (Cisco Webex).

Present Sh. Virender Singh, Ld. Addl. PP for State.
 Sh. Sachin Aggarwal, Ld. Counsel for applicant/accused Wasim
 Akram.

1. The present application for early hearing of bail application dated 17.02.2020 has been moved on behalf of applicant/accused Wasim Akram. Ld. Counsel submits that the bail application u/s 439 CrPC for the regular bail of the applicant was filed prior to lock down, however, the said application could not be disposed off by the Court due to Pandemic Covid 19 and ongoing lock down. Heard on the early hearing application and the same is hereby allowed.

2. **The bail application dated 17.02.2020 u/s 439 CrPC moved on behalf of the applicant/accused for regular bail is taken up today itself. Ld. APP accept the notice of the same.** Trial of the Court is going on in the Court of undersigned and is at the stage of arguments of charge. No reply from the IO is required as the material on record is sufficient to decide the present application.



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3. Arguments heard.

4. The case of the prosecution against the accused/applicant is that he committed murder of his own father by strangulating him. The FIR was got lodged by the real younger brother of the accused alleging that accused used to fight with his father due to his share in the property and on the day of incident he committed his murder by giving him severe beatings and strangulating him.

5. Ld. Counsel for applicant/accused submits that applicant has been falsely implicated in this case by his younger brother due to property dispute. He further submits that as per the post mortem report the cause of death of the deceased is "*shock as a result of coronary artery disease and its complications*" and as per report of FSL he had consumed liquor on the day of incident. Ld. Counsel submits that in a similar circumstance the Hon'ble Delhi High Court has granted bail in "*Amit Nagar & Kuldeep @ Dheda Vs. State*", *bail applications No. 250/15 and 2470/15 decided on 13.02.2015* to the accused of the said case since in that case also as per post mortem report, the cause of death was Cardiac arrest and as per FSL report the deceased had consumed liquor. He also submits that investigation qua applicant is complete, chargesheet has been filed in the Court and matter is at the stage of charge, therefore, no purpose shall be served by keeping accused behind bar, hence, he be admitted on bail.



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6. Ld. APP strongly opposed the bail application as he submits that there are serious allegations against the applicant/accused that he has committed murder of his own father due to property dispute. He also submits that *three* interim bail applications of the applicant/accused have been dismissed recently by this Court as well by the court of Sh. Vidhya Prakash, Ld. ASJ, during lock down period and thereafter, there are no change of circumstances that the applicant be admitted to bail. He also submits that matter is at the initial stage, therefore applicant be not admitted on bail.

7. I have considered the rival contentions advanced by Ld. APP for the State and Ld. Counsel for accused/applicant.

8. The first and foremost doubt in the mind of the Court is that an accused who does not even deserve to be released on interim bail which remains in force only for limited period then how such accused can be released on regular bail, which generally is the order to release the accused from jail till disposal of the case. However, without going into such controversy since it was ^{the} prerogative of the Ld. Counsel representing accused to press regular bail application of the applicant/accused at this stage despite repeated dismissal of interim bail applications of the accused moved by him on the ground of birth of his daughter, illness of the child or any other ground, I have considered the present application on merit for the purpose of his regular bail.

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9. In view of the serious allegations against the accused in the chargesheet, he is not entitled to be enlarged on bail. The main stress of Ld. Counsel of the accused is FSL and post mortem report. As per post mortem report the deceased had expired due to cardiac arrest and as per FSL report he had consumed liquor, therefore, Ld. Counsel submits that death of deceased was natural but not homicidal. Ld. Counsel for accused/applicant has rightly submitted that as per the post mortem report the cause of the death of deceased was "*shock as a result of coronary artery disease and its complications*", but, the Court cannot ignore the surrounding circumstances of the case particularly the relation of the deceased with the accused and probable reason of the Cardiac arrest suffered by the deceased. The deceased, a man of 73 years, was the father of accused, therefore, it cannot be presumed that accused was not aware that his father was suffering from heart problem. Otherwise also, as per the chargesheet accused was informed by his mother about the heart disease of the deceased at the time of alleged incident, despite that accused allegedly sat on the chest of his father and strangulated him, which might be the probable reason of Cardiac arrest of the deceased.

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The reliance of the Ld. Counsel for the accused on the judgement of Hon'ble High Court is misplace since though the post mortem and FSL result in the present case and the case before the Hon'ble High Court were the same but in the case before Hon'ble High Court the fight was between two groups of same college who might not be aware about each others medical illness. In this case, the allegations are that the accused was son of the deceased hence, it cannot be believed that he was not aware of his father's heart disease. Matter is at the initial stage. Even charge is not framed so far. All the material witnesses are family members of accused being his mother and sister, therefore, there is every possibility that if the accused is admitted on bail he may try to influence the witnesses of the prosecution, hence at this stage no ground for bail is made out. Application is hereby dismissed. Needless to mention that any observation made in this order shall not influence the trial of the case.



(Charu Aggarwal)
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