

FIR No. 308/2018
PS: Crime Branch
State Vs. Sobhe Ram
U/s 20/29 NDPS Act

15.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Sumit Sharma, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

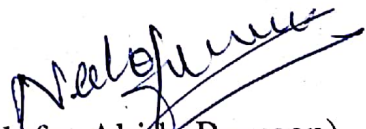
This is an application under Section 439 CrPC for grant of interim bail of 30 days on behalf of the accused Sobhe Ram in case FIR No. 308/2018 on the ground of admission of his minor daughter in school.

Ld. Consel for the accused submits that the minor daughter of the accused-applicant is to be admitted for the first time in the school and it is the school authorities who have put the condition that the presence of both the parents is required for the purpose of admission of the minor daughter of the accused-applicant in Saraswati Public School, Village and PO Zari, District Kullu, HP that moreover being the father the accused-applicant wants to be present for her daughter when she takes his first step in life. That all the other family members have severed their relations following the arrest of the accused-applicant with the family of the accused-applicant consisting of his wife and minor daughter.

Ld. Addl. PP, on the other hand, submits that case pertains to recovery of 1100 grams of vehicle of the accused-applicant concealed behind the speedometer of the said vehicle.

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IO has verified from the school authorities and has obtained report from the principal of the Saraswati Public School telephonically and she has informed that as per procedure the school takes the views from both the parents of the child at the time of admission, however, in case of emergency and exceptional cases where father of the child is not available then the child is admitted on behalf of the mother of the child alone. Further verification has also been obtained in respect of family members of the accused-applicant and it has been reported by Village Pradhan of village Panchayat Kasol, District Kullu that there are 13 members of the same family living in the same village. In such facts and circumstances as the presence of the accused-applicant is not absolutely necessary for the admission of the daughter of the applicant in school as the admission can also be done through the mother also as there are other family members living in the same village and also taking into consideration the prevailing pandemic situation, it is not a fit case for grant of interim bail only on the ground of admission in primary school of the minor daughter of the accused-applicant. **Application for grant of interim bail on behalf of the accused Sobhe Ram in case FIR No. 308/2018 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
15.07.2020

FIR No. 224/2018
PS: Crime Branch
State Vs. Rakesh Mishra
U/s 22/29 NDPS Act

15.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State
Sh. Anand Verdhan Maitreya, Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail on behalf of accused Rakesh Mishra in case FIR No. 224/2018 further by 45 days on the ground of further treatment of the wife of the accused-applicant.

Ld. Counsel for the accused-applicant submits that wife of the accused-applicant is taken for treatment on 07.07.2020 and has now been given the date for checkup / diagnosis as 15.07.2020 whereas the interim bail is to expire on 16.07.2020. That the wife of the accused is to be taken to hospital for diagnosis so that cause of the problem/ reason of illness can be found out and there is no other person in the family who could accompany the wife of the accused to the hospital as also to take care of her so that she could recover from her illness.

Report was called for. Report has been received from IHBAS to the effect that:-

"1. That the patient Devi Mishra, wife of the accused-applicant was first registered in the psychiatry emergency on

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04.05.2020 vide E-245511.

2. She was visited to Psychiatry Emergency on 23.06.2020 and 07.07.2020.

3. On initial assessment, patient has been diagnosed as a case of Somatic Symptom disorder and initiated on appropriate medications.

4. She did not require hospitalization so only OPD basis treatment given to her and she has never been admitted to IHBAS.”

The Full Bench of Hon'ble the High Court in W. P. (C) N.3037/2020 titled as **Court on Its Own Motion v. State & Ors.** vide order dated 13.07.2020 has clarified in respect of extension of interim orders in following words:-


“7. In this regard, we make it clear that all the directions issued form time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view of the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court or the Court subordinate to this Court, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. It clarified that this order extension of bail / interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they

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were released on bail/interim bail or parole before or after 16th March, 2020.”

The accused-applicant as on 13.07.2020 i.e. the date mentioned in the order was on interim bail, interim bail in terms of directions passed in W. P. (C) No.3037/2020 are extended till 31.08.2020.

In such circumstances, **the interim bail already granted to the accused-applicant Rakesh Mishra in case FIR No. 224/2018 is further extended till 31.08.2020 on the same terms and conditions and on the same sureties.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.07.2020

FIR No. 953/2016
PS: NDRS
State Vs. Sunil @ Teja
U/s 394/174A IPC

15.07.2020

Application received by transfer. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Ms. Seema Gupta, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for readmission of accused-applicant on bail in case FIR No. 953/2016 invoking the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

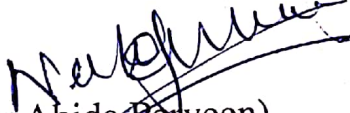
Ld. Addl. PP submits that accused-applicant does not fulfill the criteria accused-applicant does not have clean antecedents.

It emerges from the contents of the application itself that accused-applicant was declared a proclaimed offender on 28.05.2018 and thereafter produced before the court on 07.01.2020 from jail from Jaipur, Rajasthan as accused-applicant was arrested by GRP, Jaipur, Rajasthan in connection with a criminal case. Accused-applicant on bail in the present case had absconded, declared a proclaimed offender in the year 2018 and during this period has also indulged in criminal activities thereby having misused the concession of bail.

The accused-applicant Sunil @ Teja does not have clean antecedents, has misused the concession of bail on earlier occasion by

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absconding and committing criminal offence while on bail. Accused-applicant therefore does not live up to the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi. No other ground is raised for grant of interim bail except guidelines laid down by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. **The present application of accused Sunil @ Teja in case FIR No. 953/2016 for grant of interim bail is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.07.2020

FIR No. 91/2018

PS: Kotwali

State Vs. Sachin

U/s 342/395/397/412/120B IPC & 25 Arms Act

15.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. V. A. Farooqui, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

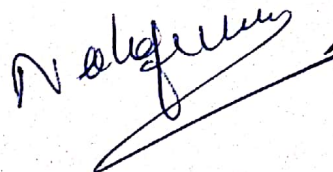
This is an application for grant of interim bail on behalf of accused Sachin in case FIR No.91/17 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Report was called from the IO in respect of the previous involvement of the accused-applicant. Report was also called from Superintendent Jail in respect of the conduct of the accused-applicant during custody alongwith custody certificate.

As per report filed by the IO, applicant is involved besides the present case in case FIR No.313/2017 under the Excise Act.

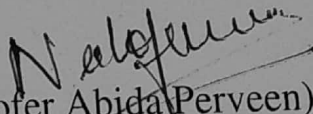
Ld. Counsel for the accused-applicant disputes the report filed by the IO in respect of previous criminal involvement and submits that accused is not known as Sachin Gupta and his father is not Jitender Gupta and that Gupta is not his caste and that even the address shown in the report does not pertain to him. Ld. Counsel has given another address of Loni, Ghaziabad.

The IO has filed report that is a computer output derived from the SCRB Delhi Database. The information searched for is in the name of Sachin



and father name is mentioned as Jitender and last known address as of Loni and the information reflected in the Criminal Information System also pertains to Sachin, S/o Jitender and there are two addresses mentioned both of Loni, Ghaziabad. The arrest in the case under the Excise Act is of the year 2017 and in the present case FIR is of the year 2018. There is nothing for this Court to doubt the information generated from SCRB Delhi Database. Moreover, the conduct of the accused-applicant during custody has also not been reported to be satisfactory and accused-applicant has been awarded punishment ticket on 15.05.2020, as per conduct report filed by the Jail Superintendent.

Accused therefore does not fulfill the criteria laid down under the under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020, as accused does not have clean antecedents and his conduct during custody is also reported to be not satisfactory. **The present application for grant of interim bail is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.07.2020

FIR No. 202/2018
PS: Sadar Bazar
State Vs. Deepak Chaudhary
U/s 20/61/85 NDPS Act

15.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Akshay Bhandari, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 4 weeks on behalf of the accused Deepak Chaudhary in case FIR No. 202/2018.

Ld. Counsel for the accused-applicant submits that that the accused-applicant is in custody since 04.09.2018, that the wife of the accused-applicant resides alongwith their minor son at Mahipal Nagar, Teja Kola, Katihar, Bihar and that the wife of the accused-applicant had undergone gal-bladder stone removal surgery in April, 2020, however she is till experiencing pain in per abdomen and it is suspected that the surgery has not been correctly performed. That she is also suffering from spinal injury and in connection thereof has visited the local doctor as she is now left with no money for her treatment or for her basic needs.

Ld. Counsel for accused has relied upon following judicial pronouncements:-

1. **Arvind Yadav v. Govt. of NCT of Delhi** B. A. No. 778/2020 decided by Hon'ble High Court of Delhi on 22.04.2020;
2. **Ashique Ilahi v. The State** B. A. No. 1407/2015 decided

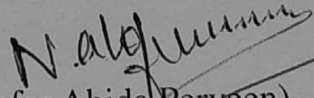
Ashique Ilahi

by Hon'ble High Court of Delhi on 03.08.2015;

3. **Vinay v. State** B. A. No. 781/2020 decided by Hon'ble High Court of Delhi on 24.04.2020.

Interim bail is being sought for treatment of the wife of the accused-applicant and for arrangements of funds. IO has filed report that due to shortage of time the documents pertaining to illness of wife of accused-applicant related to Katihar Bihar could not be verified due to covid situation.

There has been a recent development in the State of Bihar in the wake of covid-19 pandemic. Vide notification issued on 14.07.2020 in order to contain the surge in covid-19 positive cases in the State of Bihar, the Government of Bihar has enforced lockdown in the State of Bihar w.e.f. 16.07.2020 till 31.07.2020. Transport services have also been suspended subject to certain exceptions. It would therefore serve no purpose to release the applicant on interim bail as the accused-applicant as per his own case is to travel to Katihar, Bihar and to bring his wife to Delhi for treatment. In such circumstances, and also taking into consideration that the surgery was performed three months back in the month of April, 2020 and as the wife of the accused-applicant has not been advised hospitalization and is availing of treatment from the local doctor, **the present application for interim bail is dismissed with liberty, however, to file afresh after 31.07.2020 upon revocation of lockdown in the State of Bihar.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
15.07.2020