

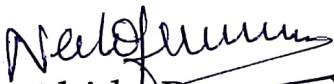
FIR NO. 91/2015
P.S. NDRS
U/S 395/397/34 IPC
State Vs. Condrey John

16.06.2020

Sh. K.P. Singh, Ld. APP for State through VC
None is present of behalf of applicant.

This is an application for grant of interim bail on
behalf of accused Bhupender @ Ravi.

Put up for 17.06.2020 for consideration.


(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 123/2017
P.S. Crime Branch
U/S 21 NDPS ACT
State Vs. EMEKA EFOH SHTEPHEN

16.06.2020

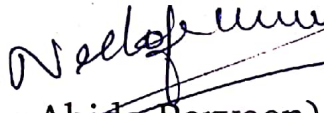
Present:

Sh. K.P. Singh, Ld. APP for State through VC

This is a ^{na} fresh application for reduction of surety amount of accused Emeka Efoh Shtephen and allow cash deposit. Be registered.

Counsel for application ^{na} is not able to connect through video conferencing.

Put up ^{on} for ^{na} 17.06.2020 consideration.


(Neelofer Abida Perveen)
Special Judge-NDPS-02,
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 277/18
P.S. SARAI ROHILLA
U/S 302/364A/201/120B/34 IPC
State Vs. Shivani

16.06.2020


Present:

Sh. K.P. Singh, Ld. APP for State through VC
None for behalf of applicant.

This is an application for grant of interim bail on behalf of accused Shivani, received from filing section.

Attempts were made to contact the Ld. Counsel for applicant but could not be contacted.

Put up ^{on} for 17.06.2020 ^{for hearing} through video conferencing.


(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 214/2017
P.S. Crime Branch
U/S 20/29 NDPS ACT
State Vs. Gulshan Etc. (James Kumar)

16.06.2020

Present:

Sh. K.P. Singh, Ld. APP for State through VC
Ms. Rashmi Kaushik, counsel for applicant through VC

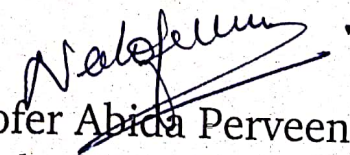
This is an application for grant of regular bail on behalf of accused James Kumar, received from filing section.

Conduct report of accused James Kumar received from Jail.

Reply of bail application is also filed.

Arguments heard. Ld. Counsel for the accused-applicant seeks ^{to} rely upon certain judicial pronouncements. Same may be ^{sent} on the email ID of the Court i.e. ndpscourt222@gmail.com.

Put up for 17.06.2020 clarification/order through video conferencing.


(Neelofer Abida Perveen)
Special Judge-NDPS-02,
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 155/2018
P.S. DBG Road
U/S 394/397/304/34 IPC
State Vs. Leelu

16.06.2020


Present:

Sh. K.P. Singh, Ld. APP for State through VC
Sh. Vinay Kumar, counsel for applicant through VC

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

Arguments heard.

Put up for 17.06.2020 clarification/order through video conferencing.


(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court: Delhi
16.06.2020

FIR NO. 122/2019
P.S. Crime Branch
U/S 20/25/29 NDPS Act
State Vs. Bijay Majhi

16.06.2020

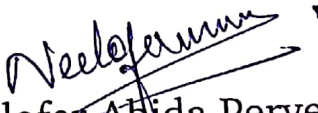
Present:

Sh. K.P. Singh, Ld. APP for State through VC
None for the applicant

This is an application for grant of interim bail on behalf of accused Bijay Majhi.

Reply ^{to us} of bail application has already been filed.

Put up ^{on} ~~for~~ 17.06.2020 ^{for} ~~re~~ consideration through video conferencing.


(Neelofer Abida Perveen)
Special Judge-NDPS-02,
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 36/2018
P.S. Crime Branch
U/S 20/25/29 NDPS Act
State Vs. Kunwar Singh

16.06.2020


Present:

Sh. Vipin Kumar Singh, counsel for applicant through
VC

This is an application for grant of interim bail on
behalf of accused Kuwar Singh, received from filing section.
IO/Insp. Shiv Darshan filed report.

Ld. Addl. PP could not be connected through VC.

Put up for 17.06.2020 through video conferencing.


(Neelofer Abida Perveen)
Special Judge-NDPS-02,
Tis Hazari Court:Delhi
16.06.2020

FIR NO. 209/2017
P.S. KAROL BAGH
U/S 380/392/394/34 IPC
State Vs. Madan

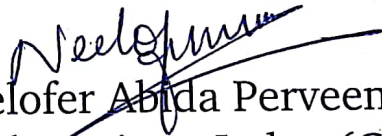
16.06.2020

Sh. K.P. Singh, Ld. APP for State through VC
Sh. Deepak Chuahan, Ld. Counsel for
applicant/accused (through VC)

This is an application for grant of regular bail on
behalf of accused Madan.

Arguments Heard.

Put up for clarification/orders on 17.06.2020.


(Neelofer Abida Perveen)
Additional Sessions Judge (Central)
Tis Hazari Court:Delhi
16.06.2020

FIR No. 32/2018

PS: Prasad Nagar

State Vs. Ashu Sagar

16.06.2020

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

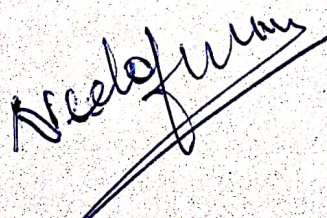
Sh. Mahesh Yadav, counsel for accused-applicant (through video conferencing)

Hearing conducted through video conferencing.

This is an application on behalf of accused-applicant Ashu Sagar for extension of interim bail granted vide order dated 04.03.2020.

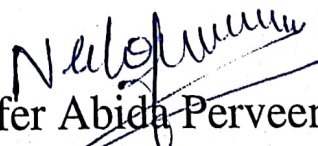
It emerges that accused-applicant was initially granted interim bail for four days vide order dated 04.03.2020 which came to be extended by subsequent orders, and lastly, vide order dated 16.05.2020 till 15.06.2020. Hon'ble High Court of Delhi vide order dated 15.06.2020 passed in writ petition W. P. (C) No. 3037/2020 titled as Court in its own motion v. State & Ors. has directed that as the regular functioning of the Courts subordinate to the High Court are to remain suspended till 30.06.2020, the directions contained in order dated 25.03.2020 and 15.05.2020 shall be extended till 15.07.2020 and vide order dated 15.05.2020, it was directed that interim orders which were subsisting as on 25.03.2020 and continued as on 15.05.2020 were extended upto to 15.06.2020.

The directions contained in order dated 25.03.2020 passed by Hon'ble High Court of Delhi is as under:-



“Taking suo moto cognizance of the aforesaid extraordinary circumstances under Article 326 & 227 of the Constitution of India, it is hereby ordered that all matters pending before this Court and courts subordinate to this Court, wherein such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall and automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.”

In view of the above, as the accused-applicant was granted interim bail prior to the directions issued for extension of interim directions/ orders dated 25.03.2020, interim bail granted to the accused-applicant Ashu Sagar in case FIR No.32/2019 stands further extended till 15.07.2020 as per the directions passed by Hon'ble High Court of Delhi in the writ petition no. 3037/2020 referred supra.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.06.2020

FIR No. 91/2018
PS: Kotwall
State Vs. Mohsin Alam

17.06.2020

Fresh application received. Be registered.

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

Sh. Akram Khan, 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-applicant Mohsin Alam in case FIR No. 91/2018 under Section
342/395/397/412/120B/34 IPC as well as under the provisions of Arms
Act on the ground that accused-applicant is in custody since 04.40.2018
and is entitled to interim bail due to situation of covid-19 pandemic.

Ld. Addl. PP submits that previous involvement report has not
been received as yet.

Reply be filed alongwith previous involvement report by the
IO. Custody certificate alongwith conduct report be also called from
concerned Jail Superintendent.

For report and consideration, put up on **22.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 277/2018
PS: Sarai Rohilla
State Vs. Shivani

17.06.2020

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

Sh. Akhilesh Yadav, 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 on behalf of accused Shivani in case FIR No. 277/2018.

Ld. Counsel for the accused-applicant submits interim bail is being sought on the ground of illness of mother in law and also to take care of the minor children i.e. two minor daughters of the accused-applicant as the accused-applicant alongwith her husband both are in custody in connection with the present case FIR and there is no one to look after the minor daughters of the accused-applicant besides mother in law who herself is suffering from several ailments.

Let medical record annexed alongwith the application be verified alongwith family status.

For report and consideration, put up on **22.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 51/2019
PS: Wazirabad
State Vs. Babu @ Ritik

17.06.2020

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

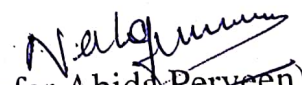
Sh. Vijay Kumar, counsel for accused-applicant (through
video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of
interim bail for 45 days on behalf of accused Babu @ Riti.

Reply is filed alongwith previous involvement report.
Accused-applicant does not have clean antecedents.

After arguing for sometime, ld. Counsel for the accused-
applicant seeks leave to withdraw the present application for grant of
interim bail to enable him to file fresh application with better particulars.
It is ordered accordingly and application for grant of interim bail filed on
behalf of accused Babu @ Ritik in case FIR No. 51/2019 is dismissed as
withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 123/2017
PS: Crime Branch
State Vs. Emeka Efoh Stephen

17.06.2020

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

Sh. Ravinder Samuel, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

Ld. Counsel submits ^{that} the accused-applicant was granted bail vide order dated 13.12.2019 but continues to be in custody as the accused-applicant is not in a position to arrange two sureties due to prevailing situation arising out of the Covid-19 lockdown and that with great difficulty accused-applicant has been able to arrange one surety and furnished FDR of Rs.30,000/- alongwith bonds which stands verified and that taking into consideration the exceptional circumstances the condition of providing two sureties may be waived off and accused-applicant may be released on bail upon personal bond and one surety in the sum of Rs.30,000/- which stands already furnished and verified.

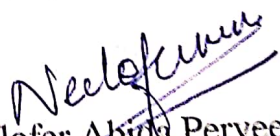
Ld. Addl. PP submits that accused is a foreign national and that passport of the accused-applicant may be ordered to be deposited in the Court.

Taking into consideration the totality of the facts and the prevalent unforeseen exceptional circumstances arising from the out break of the Covid-19 pandemic and the national lockdown announced in its



wake, order dated 06.02.2020 is modified to the extent that the accused-applicant is ordered to be released on bail upon furnishing personal bond with one surety in the sum of Rs.30,000/- each. It is reiterated that passport of the accused-applicant shall be deposited in Court and accused-applicant shall not leave the territorial limits of NCR Delhi without prior intimation to the IO and subject to the further condition that accused-applicant shall get his presence marked on 1st and 15th of each calendar month before the IO/SHO PS Crime Branch. Office reports that bonds and surety already stands deposited and bonds and FDR stands verified.

Release warrants of accused-applicant Emeka Efoh Stephen be issued accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020

FIR No. 122/2019

PS: Crime

State Vs. Bijay Majhi

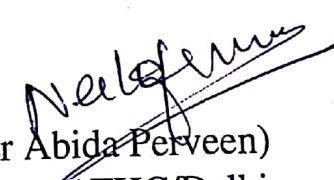
17.06.2020

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

None for accused-applicant.

It is reported that efforts were made to join Id. Counsel for the accused-applicant in the meeting through Cisco Webex, however, due to bad connectivity, Id. Counsel was unable to join the meeting and had telephonically sought an adjournment.

For arguments, put up on **23.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 91/2015

PS: NDRS

State Vs. Condrey John (Bhupender)

17.06.2020

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

Sh. Dinesh Malik, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of Bhupinder @ Ravi on the ground of performing certain rituals and rites after the death of the father of the accused-applicant.

Ld. Counsel for the accused-applicant submits that father of the accused-applicant unfortunately passed away on 27.05.2020 and he could not attend the funeral and last rites and that there are certain religious rites and ^{ceremonies} ~~rites~~ which are to be performed by the accused-applicant being the son and that accused-applicant has now undergone custody of over five years and has not ^{been} ~~even~~ granted bail ^{even} ~~once~~.

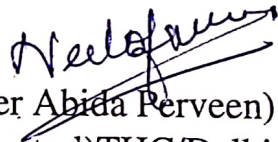
Ld. Addl. PP submits that case pertains to the commission of ^{train} robbery in Purshottam Express by five offenders out of which four were apprehended. That public witnesses have now been examined and they all supported the case of the prosecution and accused-applicant stands duly identified in the Court as one of the offenders. That accused-applicant does not have clean antecedents and is likely to misuse the concession if enlarged on bail and that accused-applicant is previous convict and there

Nalga

are two convictions of different periods of imprisonment ^{suffered} ~~undergone~~ by him.

It emerges that accused is produced from custody for trial in the present case from Dasna Jail where he is serving imprisonment of 1095 days in case FIR No. 0065/2011. So far as factum of death of father of the accused-applicant is concerned, said fact could not be verified due to paucity of time. As further time has been sought to verify the factum of death, in view thereof, IO is directed to file report in respect of contentions raised in the applications ^{as} and the documents filed alongwith the application and also to verify family status and as to whether any rituals remain to be performed for which personal presence of the accused is being required by the family of the accused-applicant.

For report and consideration, put up on **20.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 1360/2015

PS: Burari

State Vs. Jitender Bhati @ Happy & Ors.

17.06.2020

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

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 Jitender Bhati @ Happy in case FIR No. 1360/2015 in pursuance to the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel for the accused-applicant submits that accused-applicant fulfills all the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic.


Custody certificate, conduct report and previous involvement reports have been received. As per custody certificate, accused is in custody since 09.11.2015 in connection with the present case FIR No. 1360/2015 and his conduct during custody remained satisfactory and accused-applicant has no previous involvement in any other criminal case.

Ld. Addl. PP has ^{voiced} ~~expressed~~ one concern that the complainant was provided protection by the Court ^{on} ~~as~~ the allegations of threat to his life and

Nalofuram

intimidation at the behest of the accused.

In such facts and circumstances relying upon the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, and as the accused-applicant fulfills all the criteria prescribed under the guidelines, interim bail for 45 days is granted ^{to} the accused Jitender Bhati @ Happy in case FIR No. 1360/2015 on furnishing personal bond in the sum of Rs.1 lac to the satisfaction of the Jail Superintendent and subject to the condition that accused-applicant shall deposit his passport if he holds one with the IO and that during the period of interim bail he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains switched on mode with location activated and shared with the IO. Needless to say that in the event of any attempt to interfere with the course of justice in any manner, the prosecution has the liberty to seek cancellation of interim bail.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 103/2019
PS: Sadar Bazar
State Vs. Gautam

17.06.2020

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

Sh. Uma Shankar Gautam, counsel for accused-applicant.

(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Gautam in case FIR No. 103/2019.

Reply is filed.

Ld. Counsel for the accused-applicant submits that accused-applicant is in JC for more than one year now and has clean antecedents. That complainant has since been examined and has failed to identify the accused as one of the offender. That last bail application was dismissed as the complainant was yet to be examined and now complainant has been examined and has turned hostile.

Ld. Addl. PP submits that complainant had duly identified the accused-applicant as one of the offenders in TIP proceedings which are part of the record. However, in Court complainant has turned hostile on the aspect of identification of the offenders stating that it was dark in the night. However, the robbed mobile phone has been recovered from the possession of the accused-applicant thereby connecting the accused-applicant to the commission of the heinous offence.

N. K. Singh


Arguments heard. Record perused.

It is not disputed that complainant in the course of his examination in the Court has failed to identify the accused-applicant as one of the offenders. Accused-applicant, as per the case of the prosecution, is not the offender who had caused the knife injury on the person of the complainant. Said accused Aniket was apprehended at the spot whereas the accused-applicant alongwith another co-accused is alleged to have managed to flee from the spot but subsequently apprehended on the basis of disclosure and recovery of robbed mobile phone effected at the instance of the accused-applicant.

In the totality of the facts and circumstances of the case, taking into consideration that the accused-applicant is not ~~alleged to have~~^{NO} charged for offence under Section 397 IPC and as the accused-applicant has not been clearly and categorically identified as one of the offenders by the victim when examined in the Court, and as the accused-applicant has clean antecedents, present application for regular bail on behalf of accused Gautam in case FIR No. 103/2019 is allowed and accused-applicant Gautam is admitted to bail in case FIR No. 103/2019 upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that prior to his release, he shall give the mobile phone number of self and of at least one other responsible family member besides that of the sureties to the IO and the Court, that he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall

Nalini

not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence, he shall not change his mobile phone number and address without prior intimation to the IO and the sureties shall also intimate the IO in the event of change of address and that the mobile phone number to be used by the accused-applicant shall be mentioned in the bond and shall be kept switched on at all times¹² with location activated and shared with the IO concerned and with the further direction that the accused-applicant shall not leave the territorial jurisdiction of NCT Delhi without prior intimation to the IO concerned.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020

FIR No. 209/2017

PS: Karol Bagh

State Vs. Madan

17.06.2020

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

Sh. Deepak Chauhan, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439, CrPC for grant of regular bail on behalf of accused-applicant ^{na}Madan in case FIR No. 209/2017.

Ld. Counsel for the accused-applicant submits that accused is in JC since 06.08.2017 and that there is no material against the accused-applicant except for disclosure statement of the co-accused and that name of the accused-applicant does not find mention in the FIR and that co-accused have already been granted bail. That mother of the accused-applicant is a senior citizen suffering from various illnesses and the accused-applicant is the only bread earner for his family.

Reply is filed.

Ld. Addl. PP, on the other hand submits that name of the accused-applicant is not recorded in the FIR and the FIR is registered against the unknown persons, however in the course of examination of the eye witness in the Court, accused-applicant has been clearly identified as one of the offenders who had entered the house and committed robbery

Na

that material eye witnesses are yet to be examined. That accused-applicant does not have clean antecedents and stands convicted on earlier occasion in case FIR No. 718/2013 and there are several criminal cases pending against him.

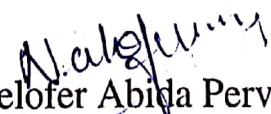
FIR bearing no. 209/17 is registered on the statement of Smt. Megha Khandelwal, that on 26.07.2017, when she was present in the house alongwith her mother-in-law and her son, at around 1.45 pm the door bell rang and when she went to answer the door bell, one person in police uniform alongwith three other persons were standing at the door and the person in the police uniform told her through the window that they are the CBI and asked her to open the door, at which she had opened the door. When she opened the door, the said persons entered the house and one of the person took her son in his arms and pointed a pistol at his temple and the person in the police uniform alongwith another tied the hands of her mother- in-law, behind her back, with a dupatta and put duct-tape on her mouth and another person put his feet on her legs and all the said persons committed robbery of jewellery, cash and other items. In the meanwhile, the sister in law of the complainant, who had gone out of the house for some work returned and saw from the window that the family members were being held captive inside the house at which she raised the alarm and started knocking at the door at which the accused ran away with jewellery, samsung note-3 mobile phone. Upon investigation the motorcycle used in commission of the offence was found to be stolen. The accused Neeraj, Narender and Madan were arrested in a case FIR No. 141/17

Neeraj

registered under Section 25 of the Arms Act and were subsequently formally arrested in the present case FIR on the basis of their disclosure statement.

The complainant in the course of her examination in Court identified accused-applicant Madan as the person who caught hold of her son.

Two of the co-accused Neeraj and Harbans have been released on bail, however, the case of the present accused-applicant is not at parity with that of the co-accused released on bail as the co-accused admitted to bail are not alleged to have been present on the scene and committed the robbery and are alleged to have been waiting in the get away vehicle and are charged under Section 120B IPC. Accused-applicant does not have clean antecedents and is a previous convict and there are several criminal cases pending against him thereby indicating strong likelihood that if accused-applicant is released on bail, he shall indulge in similar nefarious criminal activities. It has come in the evidence of the PW1 that she fractured her leg and her mother in law fractured her collar bone in the incident. In view of the totality of the facts and circumstances, as noted above this is not a fit case for grant of bail to the accused-applicant Madan. Application for grant of bail of accused-applicant Madan in case FIR No. 209/2017 is hereby dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

PIR No. 214/2017
NW Crime Branch
State Vs. Gulshan (James)

17.06.2020

Present: Sh. K.P. Singh, Ld. Addl. PP for State,
Sh. R. P. Brighu, counsel for accused-applicant James
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused James Kumar in case PIR No. 214/2017.

Ld. Counsel for the accused-applicant submits that case pertains to recovery of intermediate quantity of contraband i.e. 300 grams of charas and that the accused-applicant is running in JC from the date of his arrest i.e. since 06.12.2017. That rigors of Section 37 NDPS Act are not attracted in the present case as the contraband alleged to be recovered falls in the intermediate quantity much below from the commercial quantity of 1 kgs. That no independent witness has been joined though the accused is alleged to be apprehended from a crowded spot. That the minor son suffering from various medical ailments and is in a delicate state of health requiring extra medical attention and is under continuous treatment of the Neonatologist in Punjab and his wife and minor son are facing extreme hardship due to covid-19 lockdown.

Reply is filed.

Ld. Addl. PP, on the other hand, submits that merely for the

N. K. Singh

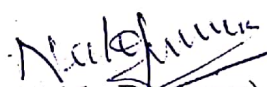
reason that contraband recovered falls in the intermediate quantity prescribed, accused does not become entitle to bail as the offence is of serious nature having wide repercussions for the society at large. That FSL result has also confirmed that the substance recovered from the possession of the accused was charas. Id. Addl. PP further submits that it has been verified that son of the accused-applicant is receiving treatment, however, as an out patient as a case of allergic bronchitis. It is however, not disputed that accused-applicant has clean antecedents.

Arguments heard. Record persused.

Taking into consideration that contraband recovered falls in the intermediate quantity and accused-applicant is in custody since 06.12.2017 and as the trial though in progress is likely to take some time to conclude and also that accused-applicant has clean antecedents, the application of the accused-applicant James Kumar in case FIR No. 214/2017 for grant of regular bail is allowed and accused James Kumar is admitted to regular bail in case FIR No. 214/2017 upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that prior to his release, he shall give the mobile phone number of self and of at least one other responsible family member besides that of the sureties to the IO and the Court and shall deposit his passport, if he hold^g one with the IO, that he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in

Nakul Kumar

any criminal activity, that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence, he shall not change his mobile phone number and address without prior intimation to the IO and the sureties shall also intimate the IO in the event of change of address. Accused-applicant shall keep switched on his mobile phone at all times ^{no} with location activated and shared with the IO concerned and with the further direction that the accused-applicant shall not leave the territorial limits of NCT Delhi without prior intimation to the IO concerned.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020

FIR No. 137/2017

PS: Timarpur

State Vs. Happy Kapoor

17.06.2020

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

Sh. Iqbal Khan, 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 on behalf of accused Happy Kapoor in case FIR No. 137/52017.

Ld. Counsel for the accused-applicant submits that accused ^{is} suffering from Uretic Calculls and is not receiving appropriate treatment in custody and his condition is deteriorating day by day.

Reply has been filed alongwith previous involvement report. Accused does not have clean antecedents and therefore, does not fullfil the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners ^{on 20} for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic.

In respect of the medical condition of the accused-applicant, let report be called from the Jail Superintendent concerned in respect of the present medical condition of accused-applicant and the treatment being provided to him.

Report be called for **20.06.2020**.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020

FIR No. 117/2016
PS: Sarai Rohilla
State Vs. Ajeet Singh Verma

17.06.2020

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

Sh. Nishan Rana, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail of 45 days on behalf of accused-applicant Ajeet Singh Verma in case FIR No. 117/2016 under Section 302/34 IPC.

Ld. Counsel for the accused-applicant submits that accused-applicant is in custody since 31.01.2016 and has clean antecedents and that case of the accused-applicant for release on interim bail for 45 days is covered under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi. That co-accused have already been granted interim bail of 45 days in accordance with the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi. That the accused is a senior citizen and suffering from several ailments as contended in para 8 of the application.

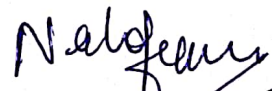
Heard.

It emerges that vide order dated 10.06.2020 custody certificate alongwith conduct report, and previous involvement report was called. As per the report of the IO, accused-applicant is running in custody since

N. Nishan Rana

29.01.2018 and apart from the present case is not involved in any other case and as per custody certificate, issued by the jail Superintendent concerned, accused was admitted in jail on 27.02.2016 and conduct of the undertrial prisoner has been unsatisfactory and on 04.06.2017 the prisoner was awarded punishment as per jail manual/rules. The case of the accused-applicant therefore falls short on the criteria of good conduct / behaviour during custody. The contents of paragraph 8 of the application are extremely vague. It is not specified as to what is the medical condition for which appropriate treatment is not being provided in jail

Taking into consideration the heinous nature of the offence as the accused-applicant is alleged to have murdered his father and his sister with cause of death opined as antemortem smothering and as the conduct of the accused-applicant in prison has been reported to be unsatisfactory/bad, accused-applicant does not fulfill all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020, benefit of which is being sought to be invoked by way of the present application, the present application for grant of interim bail invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi, ^{ng} ~~Application~~ is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 155/2018
PS: DBG Road
State Vs. Leelu

17.06.2020

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

Sh. Vinay Kumar, counsel for accused-applicant (through
video conferencing)

Hearing conducted through Video Conferencing.

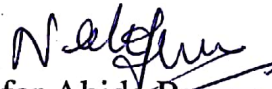
This is an application for grant of interim bail on behalf of accused Leelu in case FIR No. 155/2018 in pursuance to the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel for the accused-applicant submits that accused-applicant fulfills all the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic.

Custody certificate, conduct report and previous involvement reports have been received. As per custody certificate, accused is in custody since 06.06.2018 in connection with the present case FIR No. 155/2018 and his conduct during custody remained satisfactory and accused-applicant has no previous involvement in any other criminal case.

Nalajuna

In such facts and circumstances, relying upon the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners on 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, interim bail for 45 days is granted to the accused Leelu in case FIR No. 155/2018 on furnishing personal bond in the sum of Rs.50,000/- to the satisfaction of the Jail Superintendent and subject to the condition and that the mobile phone number to be used by the accused-applicant shall be mentioned in the bond and shall be kept switched on at all times with location activated and shared with the IO concerned and with the further direction that the accused-applicant shall not leave the territorial ^{limits} jurisdiction of NCT Delhi without prior intimation to the IO concerned during the period of interim bail.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020

FIR No. 36/2018
PS: Crime Branch
State Vs. Kunwar Singh

17.06.2020

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

Sh. V. K. Singh, counsel for accused-applicant Kunwar Singh
(through video conferencing)

Hearing conducted through Video Conferencing.

Ld. Counsel for the accused-applicant submits that though the present application is captioned as an application for grant of interim bail for 30 days on behalf of the accused Kunwar Singh, however same is merely by way of typographical error and in the prayer clause it has been stated that accused-applicant may be released on bail and not interim bail and moreover all the grounds raised in the body of the application are on the merits and not setting up any immediate extraordinary exigency for release on interim bail.

In view of the submissions made, present application though captioned as application for grant of interim bail is treated as an application for grant of regular bail.

Id. Counsel for accused-applicant submits that accused has clean antecedents. That all the material witnesses have been examined, that accused-applicant is in JC since 02.05.2019. That testimony of PW9 Ct. Rakesh totally demolishes the case of the prosecution against the accused as it has come in the cross-examination of PW9 that he did not remember exact time when secret informer left the spot. He admitted that the place of recovery is much public frequented area and there was heavy traffic flow and that accused was not arrested in his presence, and that the proceedings regarding arrest of the accused

N. Singh

were not conducted in his presence. Notice under Section 50 of the Act was served upon the accused in his presence but he did not remember the time. That even PW5 has deposed to the effect that parcels were not sealed in his presence thereby putting under cloud the entire recovery alleged against the accused-applicant. Though the case pertains to the recovery of commercial quantity of contraband, however, requirement of Section 37 of NDPS stands satisfied on the strength of testimony of PW9 and PW5. That there are no independent public witness relied upon by the prosecution and therefore there is no possibility of the accused-applicant threatening the witnesses or interfering with the course of justice in any manner. That the family of the accused-applicant is facing acute hardship due to covid-19 lockdown.


Ld. Addl. PP on the other hand, submits that accused-applicant is apprehended upon secret information and 104 kg of Ganja is recovered from the car of the accused-applicant after compliance of mandatory procedural safeguards. That case pertains to recovery of commercial quantity of Ganja which is in fact quite a heavy amount of 104 kg Ganja which is recovered from the car of the accused-applicant and that the mandate of Section 37 of the Act is not satisfied.

Arguments heard. Record perused.

Case pertains to the recovery of commercial quantity from the conscious possession of the accused-applicant i.e. 104 kgs of Ganja, considerably heavy recovery from the car of the accused-applicant. Needless to say that the rigors of Section 37 of the NDPS Act first and foremost are required to be satisfied. Ld. Counsel for the accused-applicant has drawn the attention of the Court to the evidence of PW9 Ct. Rakesh, however, Ct. Rakesh is not the empowered officer who received the secret information and effected the

N. S. J.

recovery alleged against the accused-applicant while heading the raiding party also comprising of Ct. Rakesh. The entire evidence led by the prosecution would be required to be sifted and seived in order to assessand appreciate the case of the prosecution against the accused. At this stage, only on the basis of ignorance and memory lapses alleged against one of the members of the raiding party it cannot be concluded that the prosecution has not case againt the accused. That the recovery falling in commercial quantity of the contraband, the rigors of Section 37 of the NDPS Act would be attracted and there is no material before the Court to record its satisfaction that the accused has not committed the offence and if enlarged on bail is not likely to commit any such offence of similar nature, particularly taking into consideration that recovery is allegedly effected from the search of the car of the accused-applicant and not in the personal search of the accused-applicant. No ground is made out to release the accused-applicant Kunwar singh on bail in the present case. Application for grant of regular bail of accused-applicant Kunwar Singh in case FIR No. 36/2018 is accordingly dismissed.


(Neelofer Abida Ferveen)
ASJ (Central)THC/Delhi
17.06.2020

FIR No. 351/2019

PS: Kotwali

State Vs. Manoj Bahadur

17.06.2020

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

Sh. A. K. Sharma, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Manoj Bahadur in case FIR No. 351/2019.

Ld. Counsel for the accused-applicant submits that accused is in JC since 28.10.2019 and that challan has now been filed and investigation is completed and the custody of the accused-applicant is not required for the purpose of investigation. That family of the accused-applicant consisting of old age parents are rendered vulnerable amidst the lockdown due to outbreak of covid-19. That there are no specific allegations of harassment, torture and demand levelled against the accused-applicant immediately preceding the death of the wife of the accused-applicant which is an essential ingredient of the offence under Section 304B IPC and in fact in the absence thereof there is no case against the accused-applicant. That the accused-applicant is the sole bread earner for his family and has deep roots in the society and clean antecedents.

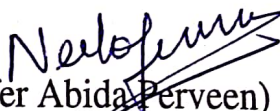
Ld. Addl. PP on the other hand submits that there are specific allegations of demand, harassment and torture and that accused-applicant is the husband of the deceased and has opposed the bail application taking into consideration the heinous nature of offence and that wife of the accused-applicant died under the suspicious circumstances within seven years of the

Neel Kumar

marriage.

Arguments heard. Record perused.

Ld. Counsel for the accused has drawn my attention to the statement of the mother of the deceased. It emerges that marriage of the accused and daughter of the complainant was performed on 20.01.2013 and the daughter of the complainant died under unnatural circumstances on 27.10.2019 i.e. before the completion of 7th year of the marriage and during this interregnum on several occasions, the wife of the accused-applicant (the deceased) had come to live at her parental house as she was being harassed and tortured by the accused-applicant and on every occasion accused-applicant assured that he will not ill treat the daughter of the complainant but the ill-treatment by the accused-applicant continued. The wife of the accused-applicant has not died in normal circumstances, the public witnesses remain to be examined. There are specific allegations of cruelty and demand levelled against the accused-applicant. It is to be assessed after evidence is led and in the totality of the facts and circumstances in any given case as to what span of time would qualify for immediately before death. There are allegations raised that 3-4 months before the death of the wife of the accused-applicant, accused-applicant was torturing her for demand of dowry. At this stage, therefore it is not a fit case for grant of regular bail to the accused-applicant. Application for grant of bail of accused Manoj Bahadur in case FIR No. 351/2019 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.06.2020