

30.04.2020

Present:- Ld. APP for the State in person.
Sh. Rohit Kalra, Ld. Advocate for applicant/accused via VC.
IO/SI Lalit Chauhan, via VC.

The matter is heard via VC on Cisco Webex Application.

It is 04:09 pm.

The reply of IO appending the copy of the daily diary form (medical record) is received in compliance of directions issued by Ld. Duty MM on 29.04.2020.

Arguments heard. It is 04:18 pm.

Put up for orders today itself at 05:00 pm.

At about 05:00 pm.

Present:- Ld. APP for the State in person.

This order shall dispose of the application u/s 437 Cr.PC for grant of bail to the applicant/accused Sahil Sharma. It has been averred on behalf of the applicant/accused that he has been undergoing custody for a period of 12 days. It is further stated that the accused/applicant has been falsely implicated in the present case and is having clean previous antecedents. With these averments, prayer is made for grant of bail to the accused/applicant.

In reply filed, it has been contended by the IO that the applicant/accused alongwith the co-accused persons have broken the CCTV cameras of the shelter home, where they were placed under quarantine facility. It is also stated that the applicant/accused alongwith the co-accused persons caught hold of the police officials and pelted stones on them due to which injuries were sustained by the police staff. It is also stated that the applicant Sahil Sharma had tried to jump from the 3rd Floor. With these averments, the bail application is

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30/04/2020.

opposed in view of the seriousness of the offences.

Accordingly, prayer has been made for dismissal of the present bail application.

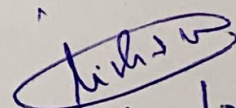
I have heard the rival contentions of Ld. counsel for applicant/accused as well as Ld. APP for State.

Ld. Counsel for the applicant argues that the story of police is concocted to falsely implicate the applicant as it has not been explained as to how the applicant/accused came in possession of bricks and rod at the shelter home. Further, only bricks and fans were seized by the IO and the alleged rods allegedly used by applicant/accused were never seized by the police, which points that the applicant/accused is falsely implicated in the present case. It is further contended that the IO has not seized the CCTV cameras installed at the Quarantine Centre. Further, applicant/accused is having clean antecedents, hence, he is entitled for bail.

Per contra, Ld. APP for State opposed the present application by contending that the applicant/accused has indulged in serious offences and attacked the public officials who were performing their duties in these difficult times of crisis, therefore, no leniency shall be shown in his favour. Ld. APP for the State prays for dismissal of the application.

The perusal of the record reveals that the applicant/accused Sahil Sharma was apprehended by the police official of PS Timarpur in connection with the case FIR No.0089/20 for having committed the alleged offences punishable u/s 186/332/353/188/269/270/34 IPC. The allegations against applicant/accused pertained to the pelting of stones, bricks and assaulting the police officials as well as the civil defence staff at the shelter home SKV, Nehru Vihar, Delhi, where the applicant/accused was Quarantined being a Symptomatic patient of Covid-19. It is also alleged that the applicant/accused tried to escape from the Quarantine facility and attacked the public officials performing their duties.

Amongst the other offences allegedly committed by the applicant/accused offences u/s 332 and 353 IPC are non bailable in nature. The allegations narrated in the FIR ex-facie establish the involvement of the


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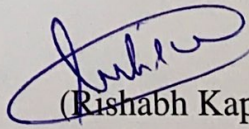
applicant/accused in the alleged offences. Perusal of the copy of medical record pertaining to officials, namely, Shyam Kumar, SI Naresh Rana and Alpana Sharma revealed that they had sustained injuries in the nature of swelling in the left fore arm, swelling in elbow and headache, respectively. The material on record prima facie show that the applicant/accused has indulged in serious offences of attacking the public officials working in the present time of Covid crisis. Besides, from the allegations it also prima facie emerges that the applicant/accused has tried to escape from the Quarantine facility, despite being a symptomatic patient of covid-19, which in itself is an act prejudicial to the interests of community at large.

At this juncture, it is pertinent to mention that in *State through CBI Vs. Amaramani Tripathi (2005) 8SCC 21*, it was observed that amongst other factors, the considerations such as character, behaviour, means, position and standing of the accused, alongwith likelihood of offences being repeated, serves as vital consideration for deciding the grant of bail or refusal to bail to the accused.

In view of the aforesaid judicial pronouncement, and also keeping in view the fact that the previous conduct/ behaviour of the accused, i.e. assaulting of the public officials on duty and attempted escaping from the Quarantine Centre, in the present time of crisis, does not entitle him for the grant of bail. The accused is indulged in offences which are serious in nature and are severely punishable. Further, the investigation of the case is still not complete. Therefore, I am of the firm view that there exists no ground for grant of the bail to the accused. Accordingly, the present bail application is dismissed.

The scanned copy of this order be sent to co-ordinator Sh. Yogender Sharma, through whatsapp/email for uploading as well as its transmission to the concerned quarter, including the counsel for the applicant/accused.

Application accordingly, disposed of.


(Rishabh Kapoor)
Duty MM/Central/THC
Delhi/30.04.2020

State Vs.Pawan @ Monu

FIR No. 344/19

PS Pahar Ganj

30.04.2020

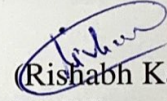
Present:- Ld. APP for the State.

The present bail application is received through email from the co-ordinator VC.

Issue notice to IO for filing reply/report on 01.05.2020.

Put up before concerned Ld. Duty MM for purpose fixed and arguments, through VC at 01:00 pm.

The scanned copy of this order be sent to co-ordinator Sh. Yogender Sharma, through whatsapp/email for uploading as well as its transmission to the concerned quarter.



(Rishabh Kapoor)
Duty MM/Central/THC
Delhi/30.04.2020