

**State Vs. Bablendra Singh**

**FIR No: 279/2020**

**Under Section: 376/506 IPC**

**PS: Burari**

07.08.2020

**Through video conferencing**

**This is application for grant of bail filed on behalf of the applicant.**

Present: Sh. Alok Saxena, Ld. APP for the State.  
Sh. Anees Ahmad Khan, Ld. Counsel for the applicant.  
Investigating Officer (IO) W/SI Sushila along with victim.

Ld. Counsel for accused has argued for grant of bail on the ground that accused has been falsely implicated in the instant case. It is argued that the family of accused and family of complainant were having friendly relationship and on the strength of same, husband of the complainant had borrowed a sum of Rs. 10,000/- cash from the accused and when latter asked for repayment, he was falsely implicated in the present case by prosecutrix at the instance of her husband.

Per contra, Ld. APP for State has vehemently argued for dismissal of bail on the ground that the allegations against the accused are grave and serious. It is argued that accused being known to the family of the complainant, raped her when her husband was not at home. It is further argued that due to his fear, prosecutrix shifted to another house, however,

accused came there also and raped her after threatening to kill her and her husband.

I have heard rival contentions and perused the record.

The allegations against the accused/applicant are grave and serious and the investigation is still at nascent stage. The contention of defence, that accused has been falsely implicated can only be tested during course of trial and not at this stage.

In the case of **Masroor Vs. State of U.P. and Another 2009 (6) SCALE 358**, the Hon'ble Supreme Court observed thus :

*“There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the Courts. Nonetheless, such a protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in general has to be balanced. Liberty of a person accused of an offence would depend upon the exigencies of the case. It is possible that in a given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned”.*

Therefore, considering the facts and circumstances of the case, gravity of the offence and since investigation is at nascent stage, I am not inclined to enlarge the applicant/accused on bail. Accordingly, the application filed on behalf of accused Bablendra Singh seeking regular bail stands dismissed.

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Copy of this order be sent to concerned Ld. Magistrate, jail superintendent/ IO/SHO/Ld. Defence counsel through official e-mail for information.

I may clarify that nothing expressed herein shall tantamount to an expression on the merit of present case.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020

**State Vs. Brij Bihari Mishra**

**FIR No: 283/2020**

**U/s 392/411/188/34 IPC**

**PS: Burari**

**07.08.2020**

**Through video conferencing**

**This is fresh application for grant of bail filed on behalf of the applicant.**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Ajay Kumar Singh, Ld. Counsel for applicant.

Reply filed by the Investigation Officer (IO). Copy supplied to Ld. Defence Counsel electronically.

Ld. Counsel for accused has argued for grant of bail on the ground that accused has been falsely implicated in the present case and he is in judicial custody since 20.07.2020. It is argued that no incident as mentioned in FIR occurred and rather it was complainant who had caused accident and damage to vehicle of co-accused in the instant case. It is further argued that co-accused Deepak Dalal has already been granted bail by this court and therefore accused also deserves to be granted bail on the ground of parity.

Per contra, Ld. APP for State has opposed the application for grant of bail on the ground that allegations against the accused are grave and serious. It is argued that matter is at initial stage and accused/applicant may threaten the witnesses, if enlarged on bail.

I have heard rival contentions and perused the record.

The case of the prosecution in nutshell is that on 20.07.2020 at about 01:00 PM, complainant was manhandled by applicant/accused alongwith other co-accused persons who alleged that former has caused accident and damage to their vehicle i.e. white colour i-10 car. It is further alleged that co-accused Deepak Dalal sat on the driver seat in the vehicle of complainant and latter was made to sit on the left front seat. Applicant/accused Brij Bihari along with other co-accused Nirala Singh (as co-passenger) was driving the i-10 and following the vehicle of complainant. After driving for some time, complainant was pushed outside from the vehicle by co-accused Deepak Dalal and thereafter, said co-accused alongwith applicant and other accused, ran away from the spot alongwith vehicle of complainant. PCR call was made and the accused persons were later on arrested after being chased by police team.

Investigation is completed in the instant case. Accused is no more required for investigation as recovery has already been effected. Co-accused Deepak Dalal has already been granted bail by this court vide order dated 04.08.2020. Therefore, in the facts and circumstances of the case and considering the current situation of pandemic and on the ground of parity, I am of the view, that applicant deserves to be granted bail in the instant case. **Accordingly, accused/applicant Brij Bihari Mishra is admitted to bail on furnishing Personal Bond and Surety Bond in the sum of Rs. 20,000/- to the satisfaction of concerned Ld. Magistrate/Ld. Duty Magistrate subject to the condition that he shall not threaten the complainant and shall not tamper with the evidence in any manner.**

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If the applicant/accused is found to be violating the above conditions, the State shall be at liberty to move an application for cancellation of bail.

Copy of this order be sent to concerned Ld. Magistrate/SHO/IO, PS Burari/ concerned jail superintendent and Ld. Defence counsel through e-mail.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020

**State Vs. Faisal @ Umar Chaudhary**

**FIR No: 0287/2020**

**Under Section: 376/506 IPC**

**PS: Wazirabad**

**07.08.2020**

**Through video conferencing**

**This is an application under Section 438 Cr.P.C for grant of anticipatory bail filed on behalf of accused/applicant.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Arun Kumar, Sh. Madhur Tyagi and Sh. Mohit Singh Ld.  
Counsels for applicant.**

**Investigating Officer (IO) W/SI Ranjana through VC.**

No report in terms of directions dated 06.08.2020 has been filed by concerned SHO/IO. It is submitted by Ld. APP for State as well as by IO that the report can only be filed once the mobile phone of accused is seized and examined. It is further submitted that at least 10 days time would be required for filing the said report after seizure of mobile of accused.

At this stage, it is submitted by Ld. Defence Counsel that accused is ready to surrender his mobile phone for verifying the Whatsapp chat between him and prosecutrix. It is submitted that interim protection may be granted to accused till the report by SHO/IO is filed in terms of directions dated 06.08.2020.

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Heard. Considered.

In the facts and circumstances of the present case, it is directed that accused shall surrender his mobile phone to the IO immediately and report shall thereafter be filed by SHO/IO in terms of previous directions by next date of hearing i.e. 19.08.2020.

In the meantime, no coercive step shall be taken against accused till next date of hearing.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020



**State Vs. Nirala Singh**

**FIR No: 283/2020**

**U/s 392/411/188/34 IPC**

**PS: Burari**

**07.08.2020**

**Through video conferencing**

**This is fresh application for grant of bail filed on behalf of the applicant.**

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Ajay Kumar Singh, Ld. Counsel for the applicant.

Reply filed by the Investigating Officer (IO). Copy supplied to Ld. Defence Counsel electronically.

Ld. Counsel for accused has argued for grant of bail on the ground that accused has been falsely implicated in the present case and he is in judicial custody since 20.07.2020. It is argued that no incident as mentioned in FIR occurred and rather it was complainant who had caused accident and damage to vehicle of co-accused in the instant case. It is further argued that co-accused Deepak Dalal has already been granted bail by this court and therefore accused also deserves to be granted bail on the ground of parity.

Per contra, Ld. APP for State has opposed the application for grant of bail on the ground that allegations against the accused are grave and serious. It is argued that matter is at initial stage and accused/applicant may threaten the witnesses, if enlarged on bail.

I have heard rival contentions and perused the record.

The case of the prosecution in nutshell is that on 20.07.2020 at about 01:00 PM, complainant was manhandled by applicant/accused alongwith other co-accused persons who alleged that former has caused accident and damage to their vehicle i.e. white colour i-10 car. It is further alleged that co-accused Deepak Dalal sat on the driver seat in the vehicle of complainant and latter was made to sit on the left front seat. Other accused Brij Bihari along with present applicant Nirala Singh (as co-passenger) was driving the i-10 and following the vehicle of complainant. After driving for some time, complainant was pushed outside from the vehicle by co-accused Deepak Dalal and thereafter, said co-accused alongwith applicant and other accused, ran away from the spot alongwith vehicle of complainant. PCR call was made and the accused persons were later on arrested after being chased by police team.

Investigation is completed in the instant case. Accused is no more required for investigation as recovery has already been effected. Co-accused Deepak Dalal has already been granted bail by this court vide order dated 04.08.2020. Therefore, in the facts and circumstances of the case and considering the current situation of pandemic and on the ground of parity, I am of the view, that applicant deserves to be granted bail in the instant case. **Accordingly, accused/applicant Nirala Singh is admitted to bail on furnishing Personal Bond and Surety Bond in the sum of Rs. 20,000/- to the satisfaction of concerned Ld. Magistrate/Ld. Duty Magistrate subject to the condition that he shall not threaten the complainant and shall not tamper with the evidence in any manner.**

If the applicant/accused is found to be violating the above conditions, the State shall be at liberty to move an application for cancellation of bail.

Copy of this order be sent to concerned Ld. Magistrate/SHO/IO, PS Burari/ concerned jail superintendent and Ld. Defence counsel through e-mail.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020

**State Vs. Rahul Gupta @ Puppy**

**FIR No: 96/13**

**U/s 328/379 IPC**

**PS: DBG Road**

**07.08.2020**

**Through video conferencing**

**This is fresh application for grant of bail received from jail and filed through District Legal Service Authority.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Diwakar Chaudary, Ld. Legal Aid Counsel for accused.**

**Heard. Record perused.**

**The charge in the instant case has been framed against the accused for offence U/s 328/379 IPC vide order dated 24.09.2014.**

**Record reveals that accused was previously on bail vide order dated 15.02.2016, however, thereafter, he stopped appearing and consequently, he was declared a proclaimed offender vide order dated 27.10.2016.**

**Later on, an application for production warrants was moved and accordingly, the accused was directed to be produced (vide order dated 21.05.2018) before this court for 19.09.2018. Record further reveals that**

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though there is no formal order for taking accused into custody in present case in proceedings dated 19.09.2018 or any subsequent proceedings, however, his presence is being marked as '*produced from judicial custody*'. In these circumstances, I deem it fit to call a report from concerned Jail Superintendent mentioning the period of custody of accused in the instant case as per their record and copy of his custody warrants prepared on 19.09.2018 or any date thereafter.

Copy of this order be sent to concerned Jail Superintendent for compliance.

Now, to come up on 13.08.2020.

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ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020

**State Vs. Shiv Raj**

**FIR No: 293/20**

**U/s 399/402/411/120B/34 IPC and 25/54/59 of Arms Act**

**PS: Burari**

**07.08.2020**

**Through video conferencing**

**This is fresh application for grant of bail filed on behalf of the applicant.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**None for applicant.**

**Reply filed by the Investigating Officer.**

**Since, none is present on behalf of applicant, therefore, matter stands adjourned for arguments on 10.08.2020.**

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ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020**

**State Vs. Kavita Singh**

**FIR No: 160/2020**

**U/s 356/379/411/34 IPC**

**PS: Subzi Mandi**

**07.08.2020**

**Through video conferencing**

**This is fresh application for grant of anticipatory bail filed on behalf of the applicant.**

**Present: Sh. Alok Saxena, Ld. APP for the State.**

**Sh. Nishant Sharma, Ld. Counsel for applicant.**

Reply filed by the Investigating Officer (IO). Copy supplied to Ld. Defence Counsel electronically.

Ld. Counsel for accused has argued for grant of anticipatory bail on the ground that the applicant has been falsely implicated in the present case. It is argued that accused could not join the investigation previously as her daughter was ill. It is argued that accused is still ready to join the investigation, if granted protection by this court. It is further argued that accused is having four minor children and no purpose would be served by not allowing the present application, more so, when investigation in the instant case is already complete.

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Per contra, Ld. APP for State has argued for dismissal of present application on the ground that the allegations against accused are serious. It is argued that accused has not joined the investigation despite service of notice by IO and non-bailable warrants have already been issued against her by the concerned court. It is argued that custodial interrogation of accused would be required for arrest of third accused and for recovery of vehicle which was used in commission of offence.

I have heard rival contentions and perused the record.

The case of prosecution in nutshell is that on 31.05.2020 at about 09.15 pm, the husband of applicant i.e. co-accused Raju @ Rajvir @ Narender snatched the mobile phone of the complainant and handed over the same to the applicant Kavita Singh. The co-accused Raju @ Rajvir was arrested at the spot. However, the applicant fled away from the spot in an auto rickshaw being driven by third accused. On being chased by complainant, the applicant/accused threw away the snatched mobile phone which was later on seized by police.

Hon'ble High of Delhi in the case of **Homi Rajvansh Vs. Central Bureau of Investigation, 185 (2011) DLT 774** has held as follows:

*“There is a perceptible difference in the results of the interrogation when a person who has an order of anticipatory bail in his pocket and goes to the investigation agency. He is bound not to cooperate and not to give the correct answer to the questions put to him to reach at the bottom of the case as against the person who is in custody or who does not have the protection of the anticipatory bail.”*

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In State (CBI) Vs. Anil Sharma, 1997 CrL LJ 4414, Hon'ble Apex Court has observed as under:

*“Success in such interrogation would allude if the suspected person knows that the is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”*

The allegations against applicant are serious. One of the accused persons i.e. (the auto driver) is yet to be arrested. Custodial interrogation of accused would be required for recovery of

the vehicle (used by applicant and co-accused for fleeing) and for effective investigation. Therefore, in the facts and circumstances of present case, I am not inclined to grant anticipatory bail to applicant Kavita Singh. **Accordingly, the instant application seeking anticipatory bail stands dismissed.**

Copy of the order be sent to concerned Ld. Magistrate/ jail superintendent/IO/SHO and Ld. Defence counsel through official e-mail.

I may clarify that nothing expressed herein shall tantamount to an expression on the merit of present case.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
07.08.2020