

State Vs. Vinod

FIR No: 255/2020

Under Section: 323/341/308/34 IPC

PS: Burari

04.08.2020

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. U.M Tripathi, Ld. Counsel for accused/applicant.

IO Inspector Ashok Kumar (through VC)

Report filed by the IO. Copy of same supplied to other side electronically.

Ld. Counsel for accused has argued for grant of anticipatory bail on the ground that accused has been falsely implicated in the present case and he has nothing to do with the alleged crime. It is argued that there is a delay of around 07 days in registration of present FIR. It is further argued that there are material contradictions in the version of eye-witnesses. It is argued that accused side has also received injuries in the present incident, however, no FIR has been registered till date against the victims for the injuries suffered by former. It is further argued that accused/applicant is a young boy having clean antecedent and therefore, deserves to be granted bail in the facts and circumstances of the present case.

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Per contra Ld. APP for State has opposed the instant application on the ground that accused has been evading and has not joined the investigation in the present case. It is further argued that custodial interrogation of the accused is required for recovery of weapon of offence and for arrest of co-accused persons.

I have heard rival contentions and perused the record.

The case of prosecution in nutshell is that on the intervening night of 20.06.2020/21.06.2020, accused Vinod alongwith other co-accused persons ( being armed with various objects like bat, iron rod etc.) assaulted the complainant and other victims. Applicant/accused Vinod was armed with iron rod (as per version of eye-witness Rajvati i.e. wife of deceased Jitender) which was used in commission of offence. On the statement of complainant, FIR was registered under section 308/323/341/34 IPC against the accused persons. During course of investigation, injured Jitender expired and accordingly, section 302 IPC has also been added in the present case.

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 CrI. LJ 4414, Hon'ble Apex Court has observed as under:

*“Success in such interrogation would allude if the suspected person knows that he 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.”*

Considering the gravity of the offence and since custodial interrogation of accused would be required for recovery of iron rod and for effective investigation, I am not inclined to grant anticipatory bail to applicant. **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  
**04.08.2020**

State Vs. Sulekh Chand Singhal

FIR No: not known

Under Section: not known

PS: Burari

04.08.2020

Through video conferencing

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

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

Sh. Pankaj Kumar, Ld. Counsel for accused/applicant.

Reply by the IO filed. Copy of same supplied to other side electronically.

After arguing for some time, Ld. Defence counsel seeks liberty to withdraw the present application.

In these circumstances, present application is disposed of as withdrawn. Copy of the order be sent to SHO/IO and Ld. Defence counsel through official e-mail.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

State Vs. Deepak Dalal

FIR No: 283/2020

Under Section: 392/411/188/34 IPC

PS: Burari

04.08.2020

Through video conferencing

This is an application under Section 439 Cr.P.C for grant of bail filed on behalf of accused/applicant. T

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

Sh. Badri Dass, Ld. Counsel for applicant/accused.

IO SI Ranvijay in person (through VC)

Reply filed by the 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 accused in the instant case. It is further argued that applicant/accused has clean antecedent and he is no more required for investigation.

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.

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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 ie.. white colour i-10 car. It is further alleged that accused/applicant Deepak Dalal sat on the driver seat in the vehicle of complainant and latter was made to sit on the left front seat. After driving for some time, complainant was pushed outside from the vehicle by applicant/accused and thereafter, accused/applicant alongwith other co-accused persons 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. Therefore, in the facts and circumstances of the case and considering the current situation of pandemic, I am of the view, that no purpose would be served by keeping the accused behind bars. Accordingly, accused/applicant Deepak Dalal 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  
04.08.2020

State Vs. Kishan Pal @ Fauzi (SC NO: 592/18) ,  
State vs Hitender @ Chotu (SC NO: 327/18),  
State vs Deshraj @ Desu (SC No: 28550/16) and  
State vs Rishipal etc (SC NO: 27762/16)

FIR No: 356/07

Under Section: 302/120B IPC

PS: Hauz Qazi

04.08.2020

Through video conferencing

Physical functioning of district courts has been suspended in terms of order no. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

File is taken up today as 01.08.2020 was declared holiday.

Present: Sh. Alok Saxena, Ld. APP for the State.  
Sh. Rajesh Anand , Ld. Counsel for convicts.

Ld. Counsel for convicts as well as Ld. APP has confirmed about receipt of soft copy of judgment from Ahlmad of this court in terms of directions dated 17.07.2020.

It is submitted by Ld. Defence counsel that he is the counsel for all convicts, however, he shall file fresh vakalatnama (within one week from today) on behalf of convict Deshraj and Bhasham as some other counsel had appeared on their behalf in the interregnum period. Directed accordingly.

Ld. Counsel further seeks some more time to file affidavit (regarding means of convicts) in terms of directions dated 17.07.2020. Let the same be filed within one week from today with advance copy to State.

Ld. APP for State also requests for some more time for filing of reports regarding the means of convicts and victim impact report in terms of directions dated 17.07.2020. Let the same shall also be filed within one week from today with advance copy to defence.

Now to come up for further proceedings on 17.08.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

CR No.449/19

Saud Ahmed Vs. State & ors.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: None for the revisionist.

Sh. Alok Saxena, Ld. APP for the State/respondent no.1.

The matter was lastly listed on 27.01.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for arguments on the revision petition. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf revisionist, therefore, matter stands adjourned for purpose fixed on 17.10.2020.

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(Anuj Agrawal)

ASJ-03, Central District  
Tis Hazari Courts, Delhi

04.08.2020

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SC No. 29011/2016

FIR No: 231/2016

PS: Subzi Mandi

State Vs. Madan Lal

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: Sh. Alok Saxena, Ld. APP for the State.  
None for accused.

The matter was lastly listed on 20.03.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for recording evidence. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since evidence is not to be recorded at present in terms of directions of Hon'ble High Court, therefore, matter stands adjourned for purpose fixed on 16.10.2020.

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(Anuj Agrawal)

ASJ-03, Central District  
Tis Hazari Courts, Delhi

04.08.2020

SC No. 162/2018

FIR No: 14/98

PS: I.P. Estate

State Vs. Satpal & ors.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

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

None for accused.

The matter was lastly listed on 21.01.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting the original file from Hon'ble High Court of Delhi. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of accused, therefore, matter stands adjourned for purpose fixed on 17.10.2020.

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(Anuj Agrawal)

ASJ-03, Central District  
Tis Hazari Courts, Delhi

04.08.2020

SC No. 163/2018  
FIR No: 14/98  
PS: I.P.Estate  
State Vs. Satpal & ors.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: Sh. Alok Saxena, Ld. APP for the State.  
None for accused.

The matter was lastly listed on 21.01.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting the original file from Hon'ble High Court of Delhi. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of accused, therefore, matter stands adjourned for purpose fixed on 17.10.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

SC No. 358/2018

FIR No: 246/2015

PS: Burari

State Vs. Ganga Khanna & ors.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

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

None for accused.

The matter was lastly listed on 23.03.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for recording evidence. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since evidence is not to be recorded at present in terms of directions of Hon'ble High Court, therefore, matter stands adjourned for purpose fixed on 17.10.2020.

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ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

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SC No. 27828/2016

FIR No: 216/2014

PS: Hauz Qazi

State Vs. Rabilul Islam

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

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

None for accused.

The matter was lastly listed on 08.01.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for recording evidence. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since evidence is not to be recorded at present in terms of directions of Hon'ble High Court, therefore, matter stands adjourned for purpose fixed on 15.10.2020.

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Tis Hazari Courts, Delhi  
04.08.2020

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CA no. 432/2019

Sanjay Dandona Vs. State & anr.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: None for the appellants.

Sh. Alok Saxena, Ld. APP for the State/respondent no.1.

The matter was lastly listed on 28.02.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting outcome of mediation proceedings. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of appellant, therefore, matter stands adjourned for purpose fixed on 16.10.2020.

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(Anuj Agrawal)

ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

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CA no. 433/2019

Sanjay Dandona Vs. State & anr.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: None for the appellants.

Sh. Alok Saxena, Ld. APP for the State/respondent no.1.

The matter was lastly listed on 28.02.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting outcome of mediation proceedings. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of appellant, therefore, matter stands adjourned for purpose fixed on 16.10.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

CA no. 434/2019

Sanjay Dandona Vs. State & anr.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: None for the appellants.

Sh. Alok Saxena, Ld. APP for the State/respondent no.1.

The matter was lastly listed on 28.02.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting outcome of mediation proceedings. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of appellant, therefore, matter stands adjourned for purpose fixed on 16.10.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

CA no. 435/2019

Sanjay Dandona Vs. State & anr.

04.08.2020

Through video conferencing

Physical functioning of District Courts has been suspended in terms of Order No. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Present: None for the appellants.

Sh. Alok Saxena, Ld. APP for the State/respondent no.1.

The matter was lastly listed on 28.02.2020 prior to suspension of physical functioning of district courts. However, thereafter, matter could not be taken up due to suspension of work in terms of various office orders issued by Hon'ble High Court. The last of such Order No. 26/DHC/2020 has been issued by Hon'ble High Court on 30.07.2020 thereby extending the suspension of physical functioning of courts till 14.08.2020 and directing to take up all the matters (except where evidence is to be recorded) through VC.

Previously, the matter was fixed for awaiting outcome of mediation proceedings. No adverse order is being passed due to restricted functioning of courts in view of current situation of 'pandemic'. Since none is present on behalf of appellant, therefore, matter stands adjourned for purpose fixed on 16.10.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020

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Ramesh Kumar vs State & ors

CA NO: 19/2020

04.08.2020

Through video conferencing

Physical functioning of district courts has been suspended in terms of order no. 26/DHC/2020 dated 30.07.2020 of Hon'ble High Court.

Fresh appeal received by way of assignment. Let it be checked and registered.

Present: None for appellant.

Put up for consideration on 25.08.2020.

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(Anuj Agrawal)  
ASJ-03, Central District  
Tis Hazari Courts, Delhi  
04.08.2020