

**FIR No.142/2020  
U/S 308/506 IPC  
PS Pahar Ganj  
State Vs. Mohit**

**19.06.2020  
At 12.40 P.M.**

**Fresh bail application u/s 439 CrPC filed. It be  
checked and registered.**

**Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Amit Swami, Ld. Counsel for the  
applicant/accused Mohit.  
IO ASI Sahan Singh (No. 240/C) from PS Pahar  
Ganj in person.**

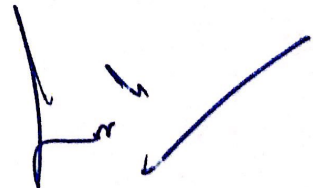
Ld. Presiding officer is on leave today.

The present bail application has been taken up for  
hearing through Video Conferencing in pursuance to Order No.  
11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

Reply to the bail application has been filed by the  
IO.

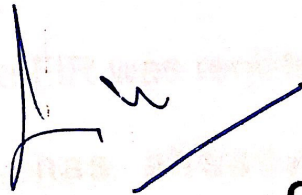
Briefly stated, the allegations against the applicant/  
accused are to the effect that he caused injuries on the person of  
the complainant at the relevant time ( ie. 11/06/2020).

Arguments on the bail application have been heard  
on behalf of both the parties. This Court has considered the  
records too.



**FIR No.142/2020  
U/S 308/506 IPC  
PS Pahar Ganj  
State Vs. Mohit**

It has been argued on behalf of the applicant/accused that he has been falsely implicated in the present FIR. It is further submitted that initially the applicant/accused was falsely implicated in proceedings under Section 107/151 CrPC after minor scuffle with the complainant. However, subsequently the complainant, with the help of police officials, got the present FIR registered against him ( the applicant/accused) u/s 308/506 IPC, which was registered on 15/06/2020. It is further submitted that the nature of injuries sustained by the parties are simple in nature and investigation in the matter is already complete. It is further submitted that the



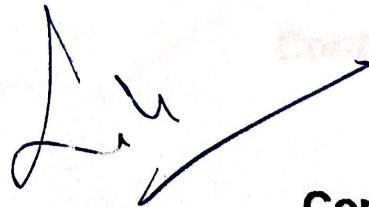
**Contd/--**

**FIR No.142/2020  
U/S 308/506 IPC  
PS Pahar Ganj  
State Vs. Mohit**

applicant/accused be released from custody as he is no longer required for the purpose of investigation, rather his continued detention in jail is likely to expose him to Covid-19 pandemic and hence, this prayer for grant of bail.

On the other hand, Ld. Addl. PP for the State submits that the prosecution apprehends threat to the life of the complainant, as stated by the IO in the reply. Ld. Addl. PP for the State opposes the grant of bail to the applicant/accused.

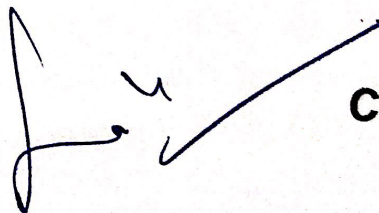
This Court has considered the rival contentions. Admittedly, the applicant/accused is closely related to the complainant, being the son-in-law of the complainant. Admittedly, the occurrence is dated 11/06/2020 but the FIR was registered on 15/06/2020. Recovery of weapon has already been effected. Admittedly,



**Contd/--**

FIR No. 142/2020  
U/S 308/506 IPC  
PS Pahar Ganj  
State Vs. Mohit

the complainant was discharged from RML Hospital on the very same day after treatment of the injuries allegedly caused by the applicant/accused. No purpose would be served by detaining the applicant/accused in custody, particularly, in view of the Covid-19 pandemic. As such, the applicant/accused namely Mohit is admitted to bail for a sum of Rs. 10,000/- with one surety in the like amount. Applicant/Accused is directed not to advance any threat in any manner to the complainant either himself or through anybody else, failing which his bail shall be cancelled.



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**FIR No.142/2020  
U/S 308/506 IPC  
PS Pahar Ganj  
State Vs. Mohit**

With the above observations, the bail application stands disposed of.

Copy of this order be sent to the Jail Superintendent concerned and be also uploaded on the official website.

**File be consigned to the Record Room.**



**(LOVLEEN)**

**1<sup>st</sup> Link**

**PO MACT-02 (CENTRAL)  
DELHI/19.06.2020 (K)**

FIR No.84/2020

U/S 376/328 IPC

PS Nabi Karim

Anuj Kumar Vs State

19.06.2020

At 11.00 A.M.

Present : Sh. Pawan Kumar, Ld. Addl PP for the State.

Sh. Rajat Sang Sharma, Ld. Counsel for the applicant/accused Anuj Kumar.

The present bail application has been taken up for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

Ahlmad in the Court of concerned ld. MM has appeared and submitted that he has brought the original file/ charge-sheet pertaining to the present FIR. This Court has been supplied the copies of the said charge-sheet through whatsapp. Ld. Addl. PP for the State has also been supplied with the copies of the same. The ld. Counsel for applicant/accused submits that he received a copy of the charge sheet from the court of Ld. MM only and which copy he shared with the prosecution and this court on the LDOH(I.e. on 18-06-2020). There seems to be no dispute as to genuineness of the records shared yesterday by the ld. Counsel for applicant/accused at this stage.

Be awaited for the filing of authorization letter by the Ld. Counsel for the victim/complaint.

Put up after 30 minutes.



(LOVLEEN)

1st Link

PO MACT-02 (CENTRAL)

DELHI/19.06.2020 (K)

FIR No 86/2020  
PS Nabilkaim

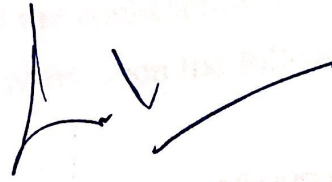
Again at 02.00 P.M.

Present : Sh. Pawan Kumar, Ld. Addl PP for the State.

Sh. Neeraj Sharma, Ld. Counsel for the Victim.

Ld counsel has filed fresh vakalatnama on behalf of the victim.

Put up for orders at 04.00 P.M.



(LOVLEEN)

1st Link

PO MACT-02 (CENTRAL)

DELHI/19.06.2020 (K)

Again at 04.00 P.M.

Present : None.

Vide this order, the undersigned shall decide the third bail application moved by the applicant/accused Anuj Kumar u/s 439 CrPC.

The applicant/accused avers that since the dismissal of last bail application on 06/05/2020, there has been a change in circumstances. It is averred that charge-sheet has been filed after 06/05/2020. On merits, it is averred that the victim/complainant has filed a false complaint in order to take revenge from the applicant/accused who could not marry the complainant due to caste differences. It is further averred that the applicant/accused lastly met the victim/complainant on 17/12/2019 and thereafter no physical relationship was subsisting between the applicant and the victim. It is further averred that the applicant is employed with BSF and is languishing in custody

for more than 65 days. It is further averred that the complainant willingly spent time with the applicant in hotel on two different occasions without any condition. It is further averred that investigation is complete and the applicant is no purpose would be served by detaining the applicant in jail as trial is likely to take a long time to conclude. Accordingly, it has been prayed that the applicant may be enlarged on bail. In support of the said prayer, the Ld. Counsel for the applicant has placed on record certain documents (i.e. transcript of social media conversations, MLC of victim, copies of I-cards deposited with the hotel by both the applicant as well as victim at the relevant time). Ld. Counsel for the applicant relies upon the following citations in support of his contention:-

- (i) Dr. Ravi Prakash Verma Vs State (Bail Application No. 2916/2019) Date of Decision : 25.11.2019
- (ii) Ashish Sahu Vs State (Bail Application No. 3016/2019 & CrI. M.B. 2157/2019) Date of Decision : 20.01.2020.
- (iii) Shekhar Garg @ Shekhar Vs State (Bail Application 1960/2019) Judgement dated : 20.08.2019.
- (iv) Manish Vs State (Bail Application 1113/2019) Judgment dated 22.05.2019.
- (v) Pramod Suryabhan Pawar Vs The State of Maharashtra & Anr (Criminal Appl. No. 1165 of 2019) Date of Decision : 21.08.2019.

On the other hand, Ld. Addl. PP for the State has opposed the grant of bail firstly on the ground that the offence allegedly committed by the applicant is grave and serious. It is further submitted that such offences which are detrimental to physical & mental health of unsuspecting girls are on the rise, and which are likely to endanger the society at large. It is lastly submitted that filing of charge-sheet is not a ground for bail. Ld. Addl. PP for the State relies upon the following citations to oppose the grant of bail:-

- (I) Prasanta Kumar Sarkar Vs Ashis Chatterjeet and Anr (Criminal Appl. No. 2086 of 2010) Date of Decision : 29.10.2010.

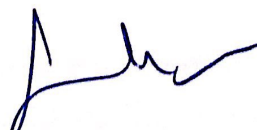


(ii) Virupakshappa Gouda and Ors Vs The State of Karnataka and Ors ( Criminal Appl. No. 601 of 2017) Date of Decision: 28.03.2017.

This Court has considered the rival contentions.

Briefly stated, the facts are that the victim came in contact with the applicant through social media somewhere in August-September, 2019. The parties grew close to each other and met for the first time on 01/12/2019. On the said date, the applicant took to the victim to a hotel and established physical relations forcibly with the victim after asking her to marry him (applicant). The victim objected to the said act of the applicant ( as revealed from the FIR) but was assured of marriage by the applicant. Again on 17/12/2019, the applicant established physical relations with the victim in a different hotel by promising marriage to the victim. Afterwards, the applicant told the victim that marriage of his brother scheduled for 12/03/2020 and he (applicant) is supposed to look after the arrangements of the marriage. Thereafter, the applicant gradually ceased contact with the victim and he also blocked her from all his social media accounts since 14/03/2020. The victim managed to contact the brother of the applicant (who is also a co- accused in the charge-sheet and is facing allegations u/s 506/509 IPC). The victim came to know that on 12/03/2020 it was the applicant himself who got married and not the applicant's brother as was conveyed to the victim by the applicant after 17/12/2019. The brother of the applicant used abusive language over telephone against the victim when she tried to contact the applicant. Thereafter, the victim got the present FIR registered. The victim reiterated the above allegations at the time of recording of her statement u/s 164 CrPC. The victim did not undergo internal examination at the time of medical check up during investigation.

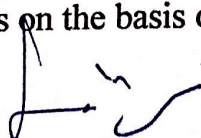
This Court is supposed to decide as to whether or not to enlarge the applicant on bail in above mentioned factual back ground. Here, it would be appropriate to refer to the latest law laid down by the Hon'ble Supreme Court in the cases like the one in hand in Pramod Suryabhan Pawar Vs The State of Maharashtra & Anr, Criminal Appeal No. 1165 of 2019 decided on 21-08-2019. In the said judgment, the Hon'ble



Supreme Court has clearly laid down the following legal position in Para 18 which is as follows:-

“18. To summarize the legal position that emerges from the above cases, the consent of woman with respect to Section 375 must involve an active and reasoned deliberation towards the purposed act. To establish whether the consent was vitiated by a misconception of fact arising out of a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time it was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman decision to engage in the sexual act”.

Coming back to the facts of the present case, it may be noted that the victim has levelled clear cut allegations to the effect that she was subjected to sexual intercourse on two different occasions by the applicant on the pretext that the applicant would marry her very soon. No doubt, the victim went to places of occurrence on her own (as is evident from the fact that she deposited the photocopies of her identity documents at hotels), but the point to be noted here is that the victim acted so solely on the basis of promise of marriage by applicant which was never to be fulfilled by applicant. We can gauge the mischievous intention and bad faith of the applicant from the fact that the transcript of the social media intimate conversations of the victim and the applicant between 29/01/2020, 00:21 to 07/03/2020, 20:48 (as placed on record with this bail application) does not bear any reference to the impending marriage of applicant. Rest of the conversations is not available even on the charge sheet. No reasonable human being would choose to continue such an intimate relationship if he is aware that ultimately the relationship is doomed. It seems that applicant was kept in dark about the aspect of marriage of applicant with someone else all through the said period. The said conversation is even devoid of any mention of caste related obstacles to the marriage of applicant and the victim. It seems that the victim was very much assured of her marriage with applicant and therefore she proceeded to establish sexual relations on the basis of false assurance of



FIR No. 84/2020  
PS Nabi Kaim

marriage given by the applicant. Prima facie, at this stage this Court is not inclined to accept the contention of the applicant that the sexual intercourse between the parties was without any promise of marriage. Citations relied upon by the applicant do not support his case at this stage. Moreover, filing of charge-sheet does not lessen the allegations made by the prosecution. On the contrary, filing of charge-sheet establishes that after due investigation, the investigating agency, having found material, and placed the charge-sheet for trial of accused. ( SEE Para 30 of Virupakshappa Gouda and Ors Vs The State of Karnataka and Or, Criminal Appeal No. 601/2017)

In view of the gravity of the allegations against applicant, this Court is not inclined to grant bail to the applicant. Hence, the bail application stands dismissed.

Copy of this order be uploaded on the official website immediately.

File be consigned to Record Room.



(LOVLEEN)

1st Link

PO MACT-02 (CENTRAL)

DELHI/19.06.2020 (K)

FIR No.67/2020  
U/S 376 IPC  
PS Nabi Karim

State Vs. Harish Singh @ Vinay Yadav

19.06.2020

At 12.10 P.M.

Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Kamlesh Kumar, Ld. Counsel for the  
applicant/accused.

**Ld Presiding Officer is on leave.**

The present bail application has been taken up for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

Now, Ld. Counsel for the applicant/accused submits that the present application be reassigned to some other Court as he wants to address further arguments.

In these circumstances, let this bail application be put up before Ld. District & Sessions Judge (Hqs), Tis Hazari, Delhi with a request for transferring the same to some other court for **22/06/2020**, as requested by Ld. Counsel for the applicant / accused.

(LOVLEEN)

1<sup>st</sup> Link

PO MACT-02 (CENTRAL)  
DELHI/19.06.2020 (K)

**FIR No.21/2020  
U/S 323/451/304/34 IPC  
PS Sadar Bazar  
State Vs. Sanjay Prakash**

**19.06.2020**

**At 12.25 P.M.**

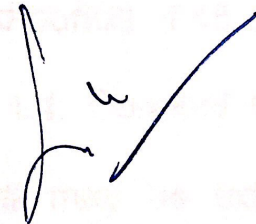
**Ld Presiding Officer is on leave.**

**Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Ashok Kumar, Ld. Counsel for the  
applicant/accused.**

The present bail application has been taken up for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

Adjournment request made by Ld. Counsel for the applicant/accused.

At the request of Ld. Counsel for the applicant/accused, put up again on **23/06/2020**.



**(LOVLEEN)**

**1<sup>st</sup> Link**

**PO MACT-02 (CENTRAL)  
DELHI/19.06.2020 (K)**

**FIR No.55/2020  
U/S  
PS Pahar Ganj  
State Vs. Ashish**

**19.06.2020**

**At 12.40 P.M.**

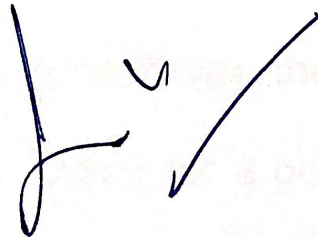
**Ld Presiding Officer is on leave.**

**Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Saket Kumar, Ld. Counsel for the  
applicant/accused Ashish Kumar.**

The present bail application has been taken up for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

IO has not filed any report today.

Ld. Counsel for the applicant/accused Ashish Kumar submits that applicant/accused was granted interim bail for 45 days vide order dated 06/05/2020 and said period of 45 days is expiring today. Accordingly, it is prayed by Ld. Counsel for the applicant/accused that period of interim bail may be extended further for 45 days.



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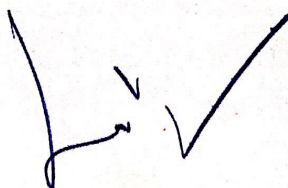
St. vs Ashish  
FIR No 55/2020  
PS Paharganj

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***Ld. Addl. PP submits that applicant / accused is facing allegations punishable under Section 377 IPC, which provision of law is not covered within the criteria laid down by the Hon'ble Delhi High Court vide Minutes of the Meeting dated 18.05.2020 for the purpose of interim release of prisoners and hence the applicant / accused is not entitled to be released on bail.***

This Court has considered the above contentions.

Perusal of the previous order dated 06/05/2020 reveals that the applicant/accused Ashish Kumar was released on interim bail after considering the facts of the case on merits also. Since the applicant/accused Ashish Kumar was granted relief on merits, accordingly this Court is of the view that no purpose would be served by ordering the detention of applicant/accused Ashish Kumar in jail at this stage, particularly in view of the fact that the Covid-19 pandemic is on the rise. Accordingly, the interim bail of the applicant/accused is extended further for a period of 15 days beginning from today.



St. v/b Ashish  
FR No. 55/2020  
PS Baharganj.  
Contd/--

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In the meantime, SHO concerned shall prepare a fresh status report in the matter and file it on or before the NDOH.

A copy of this order be forwarded to Jail Superintendent as well as to the SHO concerned for necessary information and compliance.

Put up again on **04/07/2020**.

Copy of this order be uploaded on the official website immediately.

**(LOVLEEN)**

**1<sup>st</sup> Link**

**PO MACT-02 (CENTRAL)**

**DELHI/19.06.2020 (K)**



**FIR No.105/2020  
U/S 380/411/34 IPC  
PS Pahar Ganj  
State Vs. Akash**

**19.06.2020**

**At 01.15 P.M.**

**Ld Presiding Officer is on leave.**

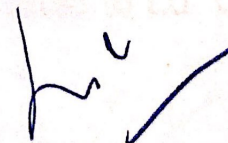
**Present :** Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Ayub Ahmed Qureshi, Ld. Counsel for the  
applicant/accused Akash.  
IO SI Pradeep Kumar (No. 2897/D) from Special  
Staff, Central District, Delhi in person.

The present bail application has been taken up for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

IO has already filed a reply.

Submissions on the 2nd bail application have been heard. Records have been perused.

Admittedly, the applicant/accused Akash surrendered before the Court of Ld. MM on 12/06/2020 and thereafter he was sent into police custody for the purpose of recovery of stolen materials and arrest of co-accused. He has been languishing in custody since 13-06-2020. It is further admitted that three stolen mobile phones have been recovered at



FIR No 105/2020  
Ps Paharganj.  
St v/b Akash

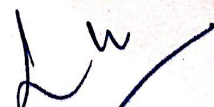
the instance of the applicant/accused Akash. It is further admitted that except for the disclosure statement of the present applicant/accused as well as of other co-accused, there is no material available at this stage which points towards the involvement of applicant/accused in the offence punishable under Section 380 IPC. Admittedly, one of the co-accused namely Sumit@Hakla, who is facing identical allegations as the present applicant/accused Akash, was enlarged on bail on 26/05/2020 by the Ld. MM concerned.

No purpose would be served by detaining the applicant/accused in custody. ***In the facts and circumstances noted above and on the grounds of parity, the present applicant/accused Akash is also directed to be enlarged on bail on furnishing of personal bonds in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of Ld. Duty MM / Concerned Trial Court.***

***The present application u/s 439 Cr.PC for grant of bail stands disposed of accordingly.***

***Copy of this order be sent to the court of Ld. Duty MM / Concerned Trial Court as well as Jail Superintendent.***

Copy of this order be given dasti to Ld. Counsel for



FIR No 105/2020  
PS Paharganj  
St. v/b Akash

the applicant/accused Akash as requested.

**File be consigned to Record Room.**

**(LOVLEEN)**

**1st Link**

**PO MACT-02 (CENTRAL)**

**DELHI/19.06.2020 (K)**

**FIR No.0125/2020  
U/S 376/506 IPC  
PS Sadar Bazar  
State Vs. Mohd. Furkan @ Kajal**

**19.06.2020  
At 12.55 P.M.**

**Fresh bail application u/s 439 CrPC filed. It be checked and registered.**

**Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Anil Sharma, Ld. Counsel for the  
applicant/accused.**

**IO ASI Jag Roshni (D No. 1788/D) from PS Sadar  
Bazar in person.**

**Ld Presiding Officer is on leave.**

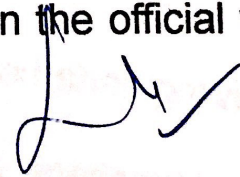
**The present bail application has been taken for hearing  
through Video Conferencing in pursuance to Order No. 11746-11776/  
Bail Power/Gaz/2020 dated 15/06/2020.**

**Reply to bail application has been filed by the IO.**

**However, IO submits that victim is Covid-19 positive.**

**Accordingly, sometime is sought by the IO concerned for furnishing the  
report of the SHO concerned in terms of "Annexure-A" as directed by  
Hon'ble Delhi High Court in CrI.M,C No. 1474/2020 titled Ms G(minor)  
vs State of NCT of Delhi.**

**Put up for filing of report by SHO concerned on  
25/06/2020. Copy of this order be uploaded on the official website  
immediately.**



**(LOVLEEN)  
1st Link  
PO MACT-02 (CENTRAL)**

**FIR No.109/2020  
U/S457/380/411/20B/34IPC  
PS Nabi Karim  
State Vs. Montu @ Hoshiyar Singh**

**19.06.2020**

**At 01.45 P.M.**

**Ld Presiding Officer is on leave.**

**Fresh bail application u/s 439 CrPC filed. It be checked and registered.**

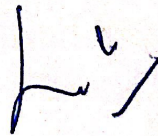
**Present : Sh. Pawan Kumar, Ld. Addl PP for the State.  
Sh. Rishabh Jain, Ld. Counsel for the  
applicant/accused.**

The present bail application has been taken for hearing through Video Conferencing in pursuance to Order No. 11746-11776/Bail Power/Gaz/2020 dated 15/06/2020.

Reply to the bail application has been filed.

At this stage, Ld. Counsel for the applicant/accused seeks an adjournment.

In the meantime, SHO concerned shall provide the details of the outcome of the cases in which the applicant/accused is stated to be involved.



**Contd/--**

FIR No 109/2020  
P.S. Nabi Karim  
St n/s. Montu (a)  
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At the request of Ld. Counsel for the applicant/  
accused, put up again on **23/06/2020**.

Copy of this order be uploaded on the official  
website immediately.

**(LOVLEEN)**  
**1st Link**  
**PO MACT-02 (CENTRAL)**  
**DELHI/19.06.2020 (K)**