

State Vs Sumit Kumar
FIR No. 29/16
PS- Lodhi Colony
U/s- 302/452/380 IPC

13.04.2020

Fresh application for grant of interim bail to the applicant/accused is received. It be checked.

Application is being taken up, in terms of office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Sanjeet Kumar Singh, Ld. Remand Advocate from
DLSA for applicant/accused.

Issue notice to the Ld. Addl. PP for the State as well as to the IO with directions to file reply.

Re-notify on 15.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Jubair
FIR No. 34/19
PS- Amar Colony
U/s- 302/392/399/120B IPC

13.04.2020

Fresh application for grant of interim bail to the applicant/accused is received. It be checked.

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Issue notice to the Ld. Addl. PP for the State as well as to the IO with directions to file reply.

Re-notify on 15.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Anwar Omaish
FIR No. 445/16
PS- Jamia Nagar
U/s- 302/120B/201/34 IPC

13.04.2020

Fresh application for grant of bail to the applicant/accused is received. It be checked.

Application is being taken up, in terms of office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Ld. counsel for applicant/accused.

Issue notice to the Ld. Addl. PP for the State as well as to the IO with directions to file reply.

Re-notify on 17.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Sanket Kumar Sharma
FIR No. 55/2020
PS- Jaitpur
U/s- 363/342/354 IPC & 8 POCSO Act

13.04.2020

Fresh chargesheet filed. It be checked.

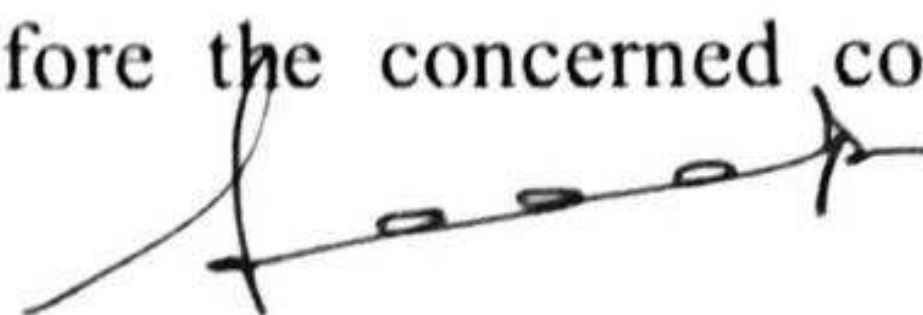
Case is being taken up, in terms of Advisory Protocol issued by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi vide office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State with IO/SI Prateek Saxena.

Accused is stated to be lodged in JC.

Re-notify for consideration before the concerned court on

20.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Dilip Upadhyay & Ors.
FIR No. 502/15
PS- Pul Prahladpur
U/s- 302/506/342/34 IPC

13.04.2020

Application is being taken up, in terms of Advisory Protocol issued by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi vide office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Nikhilesh Kumar, Ld. Counsel for applicant/accused
Smt. Rajkumari.

Reply of IO received. Copy of reply be supplied to Ld. counsel for applicant/accused forthwith.

Ld. counsel for applicant/accused seeks time to file supplementary application furnishing status of earlier bail applications filed on behalf of the applicant/accused along with affidavit of husband of applicant/accused, authorizing him to file the present bail application on behalf of the applicant/accused. He submits that he will file the same during the course of the day today itself.

Re-notify on 14.04.2020.



(Sandeep Garg)

Duty Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Ranjit
FIR No. 497/16
PS- Jaitpur
U/s- 363/366/376/342/323/506 IPC
& Section 6 of POCSO Act

13.04.2020

Application is being taken up, in terms of office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Ashok Kumar Nenwani, Ld. Counsel for
applicant/accused Ranjit.

Reply of IO/SI Madhuri received.

Ld. counsel for applicant/accused seeks two days time to file documents in support of the averment regarding respiratory/lung disease of applicant/accused.

Re-notify on 16.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Sonu Singh and Anr.
FIR No. 327/18
PS- Okhla Industrial Area
U/s- 376/34 IPC & Section 6 of POCSO Act.

13.04.2020

Application is being taken up, in terms of office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Ashok Kumar Nenuwani, Ld. Counsel for
applicants/accused Sonu Singh and Shobha.

Reply of IO/SI Manmeet Malik received.

Ld. counsel for applicants/accused seeks two days time to file documents in support of the averment regarding respiratory/lung disease of applicants/accused.

Re-notify on 16.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Shiva @ Aaippa
FIR No. 83/20
PS- Lajpat Nagar
U/s- 392/411/34 IPC & 25/54/59 Arms Act

13.04.2020

Fresh application for grant of bail to the applicant/accused is received. It be checked.

Application is being taken up, in terms of office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Ld. counsel for applicant/accused.

Issue notice to the Ld. Addl. PP for the State as well as to the IO with directions to file reply.

Re-notify on 16.04.2020.



(Sandeep Garg)
Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

State Vs Mohd. Adil
FIR No. 439/18
PS- Govindpuri
U/s- 302/323/34 IPC

13.04.2020

Application is being taken up, in terms of office Order No. Admn./2020 SED/4540-4555 dated 30.03.2020 passed by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Ashutosh Lohia and Sh. Rohan Dewan, Ld. Counsels
for applicant/accused Mohd. Adil.

Reply of Inspector Satish Rana received.

The present application for grant of interim bail, under Section 439 Cr.P.C, has been filed on behalf of the applicant/accused Mohd. Adil.

It is contended by the Ld. counsel for applicant/accused Rishi S/o Chote Lal that he is alleged to have committed murder on the incitement and instigation of his father (co-accused in the present case).

As per the FIR, the police during its spot-investigation was unable to find an eye-witness to the incident. Interestingly, certain (purported) relatives/friends of the deceased victim have subsequently in statements (allegedly given to the police) sought to implicate the applicant/accused and his father in the present case.


13/04/20

The filing of the present bail application is being necessitated on an urgent basis primarily due to the current outbreak of the COVID -19 situation. The applicant/accused is a young man, incarcerated in the largest and the most crowded prison in Asia. It is a known fact that at present there is no cure for the fatal Corona Virus and despite the lockdown and measures adopted by the Government, the numbers are increasing exponentially on a daily basis. The COVID-19, is a serious ailment of the respiratory tract. There has been a world-wide spread with over 38,000 deaths due to it. The World Health Organization has confirmed that the virus spreads through droplets of saliva/discharged from the mouth/nose which remain air-borne.

There is no denying the fact that there is an increased risk of the spread of this virus in jails, particularly due to the extreme overcrowding in Tihar Jail.

That in view of the order dated 23.03.2020 of the Hon'ble Supreme Court of India "In Re: Contagion of COVID 19 Virus in Prisons" and the decision of the High powered Committee of the Hon'ble High Court Delhi, the applicant/accused should be granted interim bail. The said principle and guidelines are being followed by all courts in India to decongest the jails and to protect the lives of the inmates. Moreover, in view of the nationwide lockdown due to COVID-19, there is no likelihood or possibility of the applicant/accused of being either a flight risk or destroying or tampering with the evidence.


13/04/20

In the present scenario where social distancing has been advised to be the only precaution/remedy/cure to the COVID-19 and it has been proved beyond doubt that proximity with even one infected person can lead to a severe infection to many-many others, it is prudent that the life of the applicant/accused be not put at risk. The applicant/accused undertakes to make himself available and prays for release on interim subject to such surety and conditions, as may be imposed upon his release during the time of this epidemic to face a trial. Needless, to state that the probability of the applicant/accused contracting Corona Virus infection in the prison is significantly higher which may defeat the entire purpose (of being made available for trial by placing in JC) and he may never see the light of the day and his entire family shall be ruined who are solely dependent upon him.

The applicant/accused would be increasingly susceptible to the spread of the virus under the prevailing circumstances of overcrowding. It would not secure the ends of justice for producing the accused person in court if the accused person is at such a risk in custody.

Even otherwise, the entire case of the prosecution is based upon the (purported) eye-witness statements of the said relatives / friends of the deceased victim and form the crux of the prosecution case. However, all the material public witnesses have been examined and have categorically contradicted the prosecution case and have already turned hostile. No material witnesses remain to be examined except the Investigating Officer, who has on two previous occasions




13/04/20 Page 3 of 7

failed to produce the case property. As a result, there is no impediment to the grant of bail to the applicant/accused.

The mother of the applicant/accused has been suffering from a mental/psychiatric ailment for which she is undergoing treatment, requiring frequent admission to the hospital. The father of the applicant/accused (co-accused in the present case) had applied for and was granted bail on 06.03.2020. That the applicant/accused has no criminal antecedents and no other case pending against him. He has strong roots in the society.

The applicant/accused is a peace-loving and law-abiding citizen who has no prior criminal antecedents / record. The allegations of the case FIR/charge-sheet are totally false, mischievous and concocted. Even otherwise the allegations on their own face are untenable. The applicant/accused has been falsely implicated and arrested (on 29.12.2018) by the P.S. Govind Puri. In any case, the (purported) eye-witnesses have all contradicted the police statements (allegedly) recorded and the prosecution case, which further elucidates that the applicant/accused has been trapped in a false and frivolous case.

That in view of the order dated 23.03.2020 of the Hon'ble Supreme Court of India in Re: Contagion of COVID 19 Virus in Prisons and the decision of the High powered Committee of the Hon'ble High Court Delhi, the applicant / accused should be granted interim bail. The said principle and guidelines are being followed by all courts in India to decongest the jails and to protect the life of the inmates. Moreover, in view of the nationwide lockdown due to


13/04/20

COVID - 19, there is no likelihood or possibility of the applicant / accused of being either a flight risk or destroying or tampering with the evidence.

That the applicant/accused is particularly at risk in custody in view of the overcrowding in Tihar Jail, which is reportedly operating at more than double its sanctioned capacity. It would not secure the ends of justice of producing the accused person in court if the accused person is facing such a risk in custody.

That the father of the applicant/accused (co-accused) has been granted bail vide order dated 06.03.2020 of Sh. S.K. Gupta, Ld. ASJ-04 & Spl. Judge (NDPS), South-East, Saket Courts, New Delhi.

The applicant/accused does not pose a flight risk considering he has deep roots in the society. The applicant/accused is a permanent resident of the address in the charge-sheet and has been involved in the business of selling meat from his shop located at Govind Puri for the past several years. The applicant/accused undertakes to furnish such adequate surety as may be deemed fit in the circumstances.

The applicant/accused undertakes to refrain from making any inducement, threat or promise, directly or indirectly, to any person acquainted with the facts of the case to dissuade such person from disclosing said relevant facts to the Court or the police. The applicant/accused further undertakes not to tamper with evidence or witnesses in any manner whatsoever. The applicant/accused undertakes to abide by the terms and conditions that may be imposed by this Hon'ble Court and shall make himself available on each and

every date of hearing or as and when directed by this Hon'ble Court. The applicant/accused further undertakes to join the investigation as and when required by the concerned officials. Hence, the applicant/accused be released on interim bail.

Ld. counsel for applicant/accused has placed reliance upon the judgments of R.Karthik Vs The State of Tamilnadu Crl. O.P. No. 7176/2000 dated 31.03.2020, Appu K Vs State by the Inspector of Police, Crl. O.P.No. 7182/2020 dated 31.03.2020 and Rekha Vs State by Inspector of Police Crl. O.P. No. 7169/2020 dated 30.03.2020, decided by Hon'ble High Court of Madras.

Per contra, it is contended by the Ld. Addl. PP appearing for the State that grave allegations of murder have been levelled against the applicant/accused. The deceased Rishi along with his friend including Suraj, was returning after playing gulli danda and when they reached near Pooja Masala, a scuffle took place with meat shop owner Md. Yusuf, co-accused. His son Mohd. Adil, applicant/accused was also standing there. On exhortation of his father, applicant/accused/Mohd. Adil took out a knife and injured Suraj.

On pleading, applicant/accused left Suraj and ran behind Rishi. Applicant/accused attacked Rishi, as a result of which he sustained dangerous injuries. The family members of deceased Rishi took him to the hospital where he was declared brought dead. Applicant/accused and co-accused Md. Yusuf were arrested by the police.

 Page 6 of 7

13/04/20

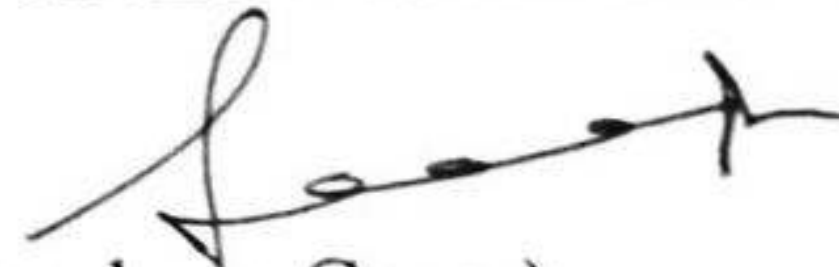
The knife used in commission of the offence was recovered at the instance of the applicant/accused. Some public witnesses are yet to be examined. The applicant/accused may tamper with the evidence and may jump bail and hamper the pace of trial, if released on bail. The application deserves to be dismissed.

The court is of the considered view that the allegations levelled against the applicant/accused are grave. A number of public witnesses are yet to be examined. Supplementary chargesheet has recently been filed and the forensic expert is yet to be examined.

The possibility of applicant/accused tampering with the evidence cannot be ruled out. Therefore, no case for grant of interim bail is made out at this stage. The application is accordingly, dismissed.

Nothing expressed herein above shall tantamount to expression of opinion on merits of the case.

Copy of this order be uploaded on the website forthwith.



(Sandeep Garg)

Additional Sessions Judge,
South East District,
New Delhi/13.04.2020

:1/4:

State Vs Sonu @ Shahnawaz Warsi
FIR No. 43/2020
PS- Shaheen Bagh
U/s- 186/353/188/341/269/34 IPC
& 3 Epidemic Diseases Act

13.04.2020

Application is being taken up, in terms of Advisory Protocol issued by the Ld. District & Sessions Judge, South East District, Saket Courts, New Delhi vide office Order No. Admn./2020/SED/4540-4555 dated 30.03.2020, by way of Video Conferencing through CISCO Webex Application.

Present: Sh. M.Z. Khan, Ld. Addl. PP for the State.
Sh. Abhisht Hela, Ld. Counsel for applicant/accused
Sonu @ Shahnawaz Warsi.


Reply filed by SI Gaurav Chaudhary.

Arguments on application heard.

The present application for grant of anticipatory bail, under Section 438 Cr.P.C, has been filed on behalf of the applicant/accused Sonu alias Shahnawaz Warsi.

It is contended on behalf of Ld. counsel for applicant/accused that he has been falsely implicated by the complainant, due to reasons best known to the complainant. The police has been looking after the applicant/accused and there is a constant threat of his being arrested.

The applicant/accused is an honest law abiding citizen and is 12th class pass and presently is a professional Singer and Social Activist. That people all over India felt violated by the CAA-NRC-NPR and started sitting in peaceful protest and dharnas throughout Delhi and during third week of December many people in exercise to their fundamental rights under Article 19 of the Constitution of India, on 15.12.2019 sat in a


13/04/20

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peaceful protest at Road No. 13A, Kalindi Kunj, Sarita Vihar, Badarpur, Shaheen Bagh, Delhi.

The pandemic Covid-19 spread out in Delhi and lockdown was declared by the GNCTD vide order dated 22.03.2020 from 23.03.2020 to 31.03.2020. That on 24.03.2020 in the evening at around 06.30 pm, the police reached at the protest site to get the place vacated by use of force. On seeing this, people gathered at the spot and requested police not to use force, but the police did not stop. Consequently, some people tried to persuade the police to stop, but to no avail. Later, people present at the spot were taken to the police station and the present FIR was registered.

The name of the applicant/accused was mentioned in the present FIR with other social activists, who were participants in Shaheen Bagh peaceful protest. The content of FIR nowhere suggest or says that the accused was present at the spot on 24.03.2020. That the applicant/accused had not visited the aforesaid area on 21.03.2020. The applicant/accused was not present at the spot and has no role in the event and therefore, no offence under Section 353/186/188/269/341 IPC is made out against the applicant/accused. That due to spread of Corona Virus all over the world the Hon'ble Apex Court has passed numerous directions for consideration of release of under trial prisoners.

Ld. Counsel for applicant/accused has placed reliance upon the Suo Moto Writ Petition(c) No. 1/2020 In Re: Contagion of Covid 19 Virus in Prisons of Hon'ble Apex Court dated 23.03.2020.

The applicant/accused assisted the police authorities, in convincing the people and sending them back home on multiple occasions, due to safety reasons and other reason as and when cited by the police. The applicant/accused had several meetings with the police authorities and had

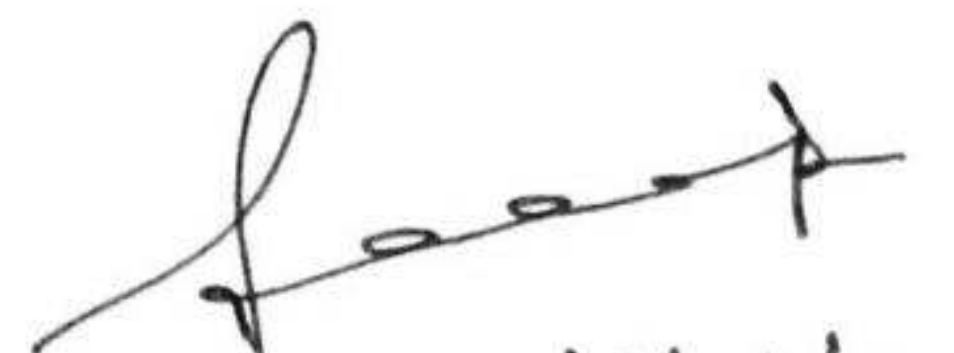

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constantly helped the police in creating a bridge between the people and police.

Per contra, it is contended by the Ld. Addl. PP appearing for the State that the investigation of the present case is at initial stage, and several avenues of the case are yet to be explored & which needs detailed investigation. The custodial interrogation of applicant/accused is required to ascertain and identify other co-accused persons involved in commission of the offence. The applicant/accused is among the main mobilizers of crowd with other organizers who had defied the orders given in this extraordinary health emergency situation, who if released at this point, will again sit on protest and gather crowd which will be a dread-full situation in the present threat of COVID-19 (Corona Virus).

The applicant/accused is among the main persons who were involved in instigating and mobilization of the ladies along with other persons. The applicant/accused had misguided the ladies and the other people in the present situation for his ulterior motives and this may be a ploy/trick to remain out of the jail to threaten/win over the witnesses, as applicant/accused is among the main conspirators. Hence, it would not be in the interest of the case/society that he be released on bail. It is very imminent that applicant/accused will again get involve in same type of case and he can also vitiate the environment in these conditions of health emergency in country. The applicant/accused has committed this offence in audacious and careless manner which shows his dangerous & careless approach which can affect health of several lakhs of people of community. The applicant/accused has been booked U/s-107/150 Cr.P.C due to his conduct which was disturbing the peace & harmony of the society. The


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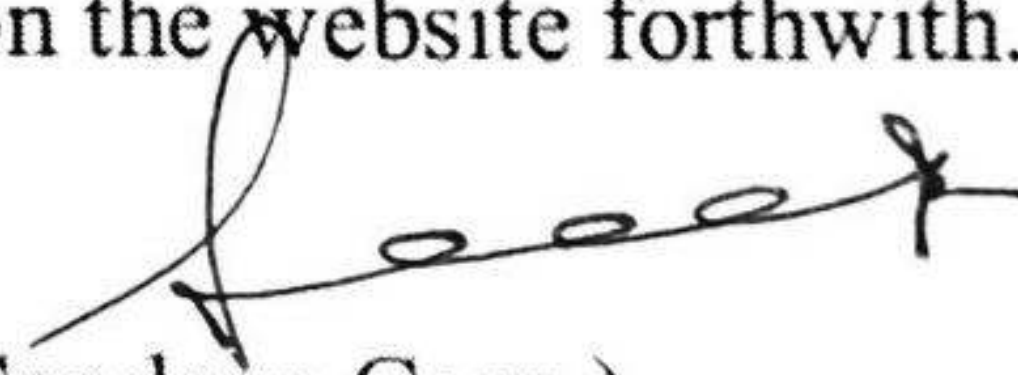
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applicant/accused may tamper with the evidence and may jump bail and hamper the pace of trial, if released on bail. The application deserves to be dismissed.

The court is of the considered view that the allegations levelled against the applicant/accused are grave and there is prima facie overwhelming incriminating evidence on record against him i.e. he is amongst the main persons who were involved in instigating and mobilization of the protestors. Investigation in the case is still pending at its initial stage. Custodial interrogation of the applicant/accused is required by the investigating agency to ascertain and identify the co-accused persons involved in commission of the alleged offences. The possibility of applicant/accused tampering with the evidence cannot be ruled out. Therefore, no case for grant of anticipatory bail is made out at this stage. The application is accordingly, dismissed.

Nothing expressed herein above shall tantamount to expression of opinion on merits of the case.

Copy of this order be uploaded on the website forthwith.



(Sandeep Garg)

Additional Sessions Judge,
South East District,
New Delhi/13.04.2020