

State Vs. Afzal Ali

FIR No: 216/14

Under Section: U/s 419/468/420/471/370/306/120B IPC

PS: Hauz Qazi

23.06.2020

Through video conferencing

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

Mr. M.A. Qureshi, Ld. Counsel for the applicant.

Reply of IO perused.

Ld. Counsel for applicant has moved an application seeking regular/interim bail. However, during the course of arguments, it is submitted by counsel that he is restricting his prayer for grant of interim bail only for one month on the ground that operation of his wife (for kidney) is scheduled for next month and there is no one to look after her in the family.

Concerned SHO/IO shall verify the said fact. The report of SHO/IO shall specifically mention whether any operation of wife of accused is scheduled as submitted by Ld. Counsel, whether the same is essential in nature or not, whether there is any adult member in the family of accused to take care of his wife. The SHO/IO shall make relevant inquiries from concerned hospital in this regard.

The copies of the medical documents, if any, be also supplied to the IO by Naib Court.

Put up on 26.06.2020.

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Prem Singh

FIR No: 07/2017

Under Section: 302/120B/328/34 IPC

PS: Sadar Bazar

23.06.2020

Through video conferencing

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

Sh. Archit Kaushik, Ld. Counsel for the applicant.

Charges have been framed against the accused U/s 302 IPC r/w Section 120B IPC, U/s 302 of IPC r/w Section 34 and 120B IPC and U/s 328 IPC r/w Section 34 and 120B IPC vide order dated 02.07.2018.

Ld. Counsel for the applicant is seeking interim bail for a period of 45 days on the ground that accused fulfills the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020.

As per report of IO there is no previous involvement of the accused.

As per report received from concerned Jail Superintendent, the accused was awarded punishment for 7 days for making false statement of his IGNOU examination. However, the conduct of the accused at jail is satisfactory.

Accused fulfills the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020. The offence U/s 328 IPC is lessor in nature vis-a-vis the offence U/s 302 IPC. **In these circumstances, accused Prem Singh is admitted on interim bail for a period of 45 days on furnishing PB in the sum of Rs. 20,000/- to the satisfaction of concerned Jail Superintendent. Accused shall surrender on the expiry of period of 45 days.**

Copy of the order be sent to concerned Jail Superintendent for information and compliance.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Mursaleen

FIR No: 140/2019

Under Section: 302/147/149/34 IPC

PS: Darya Ganj

23.06.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.
Sh. Ashish Bhardwaj, Ld. Counsel for the applicant.

Ld. Counsel is seeking interim bail for one month on the ground that he and his brother are in the judicial custody in the present case and there is no member in his family to look after their parents, minor children and wife of co-accused Swaleen.

The accused is in judicial custody since 04.07.2019 which is less than 2 years. Accused does not fulfill the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020.

The reasons cited by accused for grant of interim bail does not disclose good grounds to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like 'right to maintain and take care of one's family'. Even otherwise, the accused is in custody since 04.07.2019, therefore, it is evident that his family members are maintaining themselves at her own (since long) even in his absence.

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In these circumstances, I am not inclined to grant bail to accused/applicant Mursaleen. **Hence, bail application of accused Mursaleen is hereby dismissed.**

Copy of the order be given dasti to Ld. Counsel for accused/applicant. Copy of order be also sent to jail superintendent for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Irfan

FIR No: 217/2017

Under Section: 308/323/34 IPC

PS: Darya Ganj

23.06.2020

Through video conferencing

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

Sh. Sachin Kumar, Ld. LAC for the applicant.

The applicant is seeking interim bail on the ground that he is in judicial custody since 08.09.2017 and he may be granted bail in view of minutes dated 18.05.2020 of High Powered Committee.

As per report of IO, accused is involved in 5 more cases of which he has been convicted in two cases. Therefore, the applicant does not fulfill the criteria as laid down by High Powered Committee vide minutes dated 18.05.2020. **In these circumstances, the application seeking interim bail stands dismissed.**

Copy of this order be given dasti to Ld. Counsel. Another copy of this order be also sent to concerned Jail Superintendent for information and compliance.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Rabi-ul-Islam

FIR No: 216/2014

Under Section: 419, 420, 368, 372, 376, 324, 34 IPC

PS: Hauz Qazi

23.06.2020

Through video conferencing

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

Sh. J.S. Mishra, Ld. LAC for the applicant.

Ld. APP has clarified about the charge framed in the instant case. Ld. APP submits that charge U/s 376 IPC has not been framed against the accused. He further submits that charges U/s 120B IPC, U/s 419 IPC r/w Section 120B IPC, U/s 468 IPC r/w Section 120B IPC, U/s 420 IPC r/w Section 120B IPC, U/s 471 IPC r/w Section 120B IPC, U/s 370 r/w Section 120B IPC and U/s 306 IPC r/w Section 120B IPC were framed against the accused.

I have perused the copy of charge sent to me by Ld. APP. The submission of Ld. APP qua charges are correct. Since no charge U/s 376 IPC has been framed in the instant case, therefore, the family members of victim are not required to be summoned.

As per report of IO, there is no previous involvement of the accused. However, the report, regarding the conduct of accused in jail, has not been received.

Let report regarding the conduct of accused in jail shall be filed by the concerned Jail Superintendent by the next date of hearing.

Put up on 26.06.2020.

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(Anuj Agrawal)

ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Dharmender Kumar

FIR No: 294/2016

Under Section: 396/307/411/120B34 IPC r/w Section 25/27/54/59 Arms Act

PS: Civil Lines

23.06.2020

Through video conferencing

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

Sh. Ravinder Kumar, Ld. Counsel for applicant.

Ld. Counsel is seeking interim bail for a period of 45 days on the ground that he is first time offender and has been falsely implicated in the present case. It is argued that the accused is in judicial custody since 17.01.2017 and there is no one to take care of his family in his absence. As per the counsel, the case of accused is covered vide minutes dated 18.05.2020 of HPC.

As per reply of IO, accused is the main assailant and has been duly identified by the witness during trial.

Since the offences, involved inter-alia is U/s 396 IPC, therefore, I am not inclined to grant bail to accused as his case is not covered under the guidelines of High Powered Committee as laid down in minutes dated 18.05.2020.

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The reasons cited by accused for grant of interim bail does not disclose good ground to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like 'right to maintain and take care of one's family'. Even otherwise, the accused is in custody since 17.01.2017, therefore, it is evident that his family members are maintaining themselves at her own (since long) even in the absence of accused. Therefore, considering the facts and circumstances of the case, his role, nature of offence, I am not inclined to grant bail to accused/applicant Dharmender. **Hence, bail application of accused Dharmender is hereby dismissed.**

Copy of the order be given dasti to Ld. Counsel for accused/applicant. Copy of order be also sent to jail superintendent for information.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Anil @ Raja

FIR No: 227/2016

Under Section: U/s 304/379/403/411 IPC

PS: Burari

23.06.2020

Through video conferencing

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

Sh. Sher Singh, Ld. Counsel for the applicant.

Soft copy of the charge (dated 27.02.2018) framed in the instant case has been sent to me by Ahlmad of this court electronically. It reveals that charges U/s 304/379/403/411 IPC have been framed against the accused/applicant. Accused is in judicial custody for more than 2 years.

As per report of IO, there is no previous involvement of the accused.

Let report regarding the conduct of accused in jail be filed by the concerned Jail Superintendent by next date of hearing.

Put up on 26.06.2020.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

State Vs. Ajay & ors.

FIR No: 59/2019

Under Section: 365/302/34 IPC

PS: Burari

23.06.2020

Through video conferencing

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

Ms. Doli Sharma, Ld. Counsel for the applicant.

Ld. Counsel is seeking interim bail for a period of 45 days on the ground that the accused has been falsely implicated in the present case and he is suffering from various ailments which includes diabetes and high blood pressure and is more likely prone to Corona. It is further argued that there is no one in the family of the accused to look after his wife, minor child and old aged ailing parents. It is further argued that the family of accused is also suffering financial constraints in the absence of accused.

During the course of arguments, Ld. Counsel submits that she shall be sending certain soft copies of judgments to the Reader of this court in support of her contentions.

Put up for orders at 02.00 p.m.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

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At 12.45 p.m.

Through video conferencing

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

Ms. Doli Sharma, Ld. Counsel for the applicant.

Ld. Counsel has sent following 8 judgments passed by Hon'ble High Court of Delhi in support of her contentions:

“Ramesh Kakkar Vs. State, Bail Application No. 1076/2020 dated 05.06.2020”

“Paramjit Singh Gulati Vs. Directorate of Revenue Intelligence, Bail Application No. 996/2020 dated 04.06.2020”

“Angad Kumar @ Sagar Vs. State (Govt. of NCT of Delhi) Bail Application No. 1004/2020 dated 10.06.2020”

“Ravi Shankar Sharma Vs. State, Bail Application No. 850/2020 dated 13.05.2020,”

“Pratap Singh Sisodiya Vs. State, Bail Application No. 316/2020 dated 29.05.2020”

“Shafiq @ Chotu Vs. The State (Govt. of Nct of Delhi), Bail Application No. 1021/2020 dated 27.05.2020”

“Rumel Singh Rana Vs. State, Bail Application No. 882/2020 dated 12.05.2020”

“Rahul Vs. State, Bail Application No. 729/2020 dated 18.06.2020”

Matter has been reheard at the request of Ld. Counsel for applicant.

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Ld. Counsel submits that she has sent soft copies of 8 judgments in support of her case. It is further submitted that co-accused in the instant case is on bail.

Now, to come up for orders at 02.00 p.m.

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(Anuj Agrawal)

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ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

At 02.00 p.m.

Present: None.

I have perused the record carefully including the judgments cited by Ld. Counsel. The applicant is in custody since February, 2019 i.e. for a period of less than 2 years. Therefore, it is clear that the applicant in the instant case has not completed the mandatory period of custody (of 2 years) as laid down vide minutes dated 18.05.2020 of High Powered Committee. The judgments relied upon by Ld. Counsel are not of much benefit as the question of bail in those cases was considered by Hon'ble High Court in particular facts and circumstances of those cases and the case of the applicant has to be judged on its own merits.

The reasons (for taking care of family and there financial constraints) cited by accused for grant of interim bail does not disclose good ground to be entertained as the very incarceration of an accused not only curtails his 'personal liberty' but also certain other rights like 'right to earn

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livelihood and right to maintain and take care of one's family'. Even otherwise, the accused in in custody since more than one year, therefore, it is evident that his family members are maintaining themselves at their own (since long) even in the absence of accused.

The allegations against the accused are serious in nature and he has been specifically named in the FIR. In these circumstances, I am not inclined to grant bail to accused/applicant Ajay. **Hence, bail application of accused is hereby dismissed.**

Needless to say, in case the applicant is suffering from heart diseases/diabetes as stated in the application, the concerned Jail Superintendent shall provide adequate medical care to him and shall ensure all mandatory safety guidelines for accused so as to avoid any infection in jail.

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

ANUJ
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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
23.06.2020

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