Bail Application No.: 2284/2020

Hitender Vashisht Vs. State

FIR No. : 550/2015 PS : Nangloi

U/s : 315/304/34 IPC

Hearing took place through Cisco WebEx.

30.09.2020

Fresh Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West). It be checked and registered.

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Sanjay Rathi, Ld. Counsel for applicant/accused.

Reply on behalf of IO filed.

Arguments heard.

Put up for orders.

(ANKUR JAIN)

ASJ(Special Fast Track Court)-01 West, THC, Delhi/30.09.2020

2 PM

1. Brief facts of the case are that an FIR was registered U/s 315/304 IPC on account of death of Poonam Joshi. During the course of investigation it was revealed that Poonam Joshi was admitted to RD Memorial Hospital, Nangloi on 01.07.2015 for abortion, however, after abortion her condition became serious and she was taken to Lady Harding Medical College and was left alone. During her treatment she died. The postmortem was conducted and exhibits were sent to FSL.

- 2. Ld. Counsel for accused has argued that accused is in no manner connected with the crime. Neither the offence U/s 315 IPC or U/s 304 IPC is made out. It is submitted that accused has always cooperated with the investigation and no useful purpose will be served to keep him behind bars. It is submitted that he carries a registration which is issued under the MTP Act and consent was obtained from the family members of the deceased before she was operated upon. It is submitted that in order to save the life of the pregnant woman the surgery was necessary and urgent, which was performed by the surgeon and no medical negligence can be attributed to the present applicant who is just the Director of the Hospital. It is argued that even the Delhi medical Council has only asked the applicant to refrain from prefixing Dr. to his name.
 - 3. On the other hand, Ld. Addl. PP for State has argued that allegations against the accused are serious in nature. The accused was not possessing any degree, neither he was registered with Delhi Medical Council and he opened hospital / nursing home in order to cheat the people.
 - 4. I have heard Ld. Addl. P. P. for State and Ld. Counsel for accused and perused the record.
 - 5. A young lady lost her life. The report of the Medical Council is

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very categorical that neither Dr. S. C. Gupta nor Dr. Sunita Vashisht has post graduate qualification in Obst. and Gynae and were thus not competent or qualified to consider the termination of pregnancy. The Delhi Medical Council notes that no attempt was made to find out whether the placenta was adherent. It is further noted by Medical Council that records in the hospital were not kept properly.

- 6. Doctors are treated next to God in this country and it is their duty to save lives. But in the present case by pre-fixing Dr. against his name despite not being qualified amounted to cheating beause of which a young lady lost her life. No doubt that he did not perform surgery but had opened a hospital in the name of R. D. Memorial Hospital by projecting himself as a qualified doctor.
- 7. Considering the entire facts and circumstances and gravity of offence, it is found that accused is not entitled for bail at this stage. Hence the present bail application stands dismissed. Copy of order be sent to all concerned through electronic mode.

Satyendera Vs. State

FIR No.

: 553/2020

PS

: Hari Nagar

U/s

:376/377/354C/328/506 IPC

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Ranjan Sharma, Ld. Counsel for applicant/accused.

Mr. Sumit Gaba, Ld. Counsel for complainant with complaiant.

Reply filed. Copy of reply given to Ld. Counsel for accused. With the consent of counsel arguments heard. Put up for orders.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/30.09.2020

1:30 PM

1. The brief facts of the case are that on the complaint of Ms. "N" FIR was registered in which she alleged that she knew accused Satender since 2014 as he used to come and teach her children. It is further stated that accused Satender had promised her a plot and for this Rs. 10 Lacs were deposited in the account of Satender and his family members. The complainant further states that for the first time in the year

2015 accused Satender established physical relations with the complainant and lastly on 09.01.2020 when he had called her at his house in Sagarpur, gave drink which was laced with sedative. After drinking the same she became unconscious and when she regained her conscious, she came to know that accused has established physical relations with her and accused has taken her nude photographs also. On these allegations the present FIR was registered.

- Ld. Counsel for accused submits that it is a case of consensual sex which has been converted into rape. He has relied upon various judgments to argue this fact.
- 3. On the other hand, Ld. Addl. PP for State has argued that allegations against the accused are serious in nature. Ld. Counsel for complainant submits that in addition he has threatened the complainant.
- I have heard Ld. Addl. P. P. for State, Ld. Counsel for complainant and Ld. Counsel for accused and perused the record.
- relations were there between complainant and accused and on 09.01.2020 it is alleged that drink laced with sedative was given. The complaint was given on 21.08.2020 after almost 7 months. There is apparent delay in registration of FIR. At this stage, without commenting further accused is admitted to bail on furnishing bail bond in the sum of Rs.50,000/- with one



surety of the like amount to the satisfaction of Duty MM/ MM concerned on following terms and conditions:-

- 1) Accused shall not contact the complainant or go near her house in any manner. Any violation would attract cancellation.
- 2) The accused shall provide his mobile number to IO and shall mark his presence on everty 4th Saturday before the IO either physically or virtually as per convenience of IO.
 - 3) The accused shall not temper with evidence.
 - 4) In case accused wishes to go out of Delhi he shall inform the IO.

The application is disposed off accordingly. Copy of the order be given dasti.

Mamta Vs. State

FIR No. : 536/2020

PS

: Hari Nagar

U/s

:354/354A/354D/506/34 IPC

30.09.2020

Fresh Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/ 2020 dated 31.08.2020 of Hon'b'le District Judge (West).

It be checked and registered.

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Mukesh Rana , Ld. Counsel for all applicant/

accused (through Cisco Web Ex).

Mr. S. D. Dixit, Ld. Counsel for complainant with

complainant.

Ms. Arti Pandey, Ld. DCW Counsel.

Ld. Counsel for accused submits that interim protection be granted.

On the other hand, Ld. Counsel for complainant has vehemently argued that not only on 1st but also on 3rd Sept., 2020 complainant was beaten. These facts have not been mentioned by the IO in his report. Let IO of the case be summoned.

Put up on 07.10.2020.

(ANKUR JAIN)

Bail Application No.: 1524

Yatin Gaba Vs. State FIR No. : 345/2020

PS : Kirti Nagar

U/s : 328/376 (2) (n)/506 IPC

Hearing took place through Cisco WebEx.

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Ms. Arti, Ld. Counsel for applicant/accused.

Ms. Arti Pandey, Ld. DCW Counsel.

Ld. Counsel for applicant / accused submits that she wants to withdraw the present bail application. Email be sent by her.

Be awaited.

(ANKUR JAIN)

ASJ(Special Fast Track Court)-01 West, THC, Delhi/30.09.2020

1 PM

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

None for applicant/accused.

Ms. Arti Pandey, Ld. DCW Counsel.

E- mail received. In view of email present bail application stands dismissed as withdran.

(ANKUR JAIN)

Manjeet Kumar Vs. State

FIR No.

: 536/2020

PS

: Hari Nagar

U/s

:354/354A/354D/506/34 IPC

30.09.2020

Fresh Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West). It be checked and registered.

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Mukesh Rana , Ld. Counsel for all applicant/

accused (through Cisco Web Ex).

Mr. S. D. Dixit, Ld. Counsel for complainant with

complainant.

Ms. Arti Pandey, Ld. DCW Counsel.

Ld. Counsel for accused submits that interim protection be granted.

On the other hand, Ld. Counsel for complainant has vehemently argued that not only on 1st but also on 3rd Sept., 2020 complainant was beaten. These facts have not been mentioned by the IO in his report. He has placed on record the copy of the MLC. Let IO of the case be summoned.

Put up on 07.10.2020.

(ANKUR JAIN)

State Vs. Gaurav Vashisht

FIR No.: Not known

P.S.: Nihal Vihar

U/s: Not known

30.09.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW. Sh. R.K. Singh,, Ld. Counsel for the applicant. IO SI Anoop Singh (Parivi official) PS Hari Nagar

As per the report no FIR is registered. The application is not maintainable and is accordingly dismissed.

Copy of this order be given dasti.

(Ankur Jain) ASJ (SFTC-01) West Delhi: 30.09.2020

State Vs. Sunny

FIR No.: 485/20 P.S.: Hari Nagar U/s: 392/34 IPC

30.09.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW. Sh. M.L. Ram, Ld. Counsel for the applicant.

IO SI Pankaj in person.

Reply on behalf of the IO filed. Copy supplied.

With consent arguments on the bail application heard. Put up for orders.

At this stage, Ld. Counsel for the applicant submits that he may be permitted to withdraw the present application.

Statement of the Ld. Counsel has been recorded in this regard.

In view of the statement of the Ld. Counsel present bail application stands dismissed as withdrawn.

Copy of this order be given dasti.

(Ankur Jain) ASJ (SFIC=01) West Delhi: 30.09.2020

State Vs. Sunny

FIR No.: 485/20 P.S.: Hari Nagar U/s: 392/34 IPC

30.09.2020

Statement of Sh. M.L. Ram, Ld. Counsel for the applicant, Enroll. No. D-373/83.

At Bar

I may be permitted to withdraw the present bail application.

MXRanl-30 19/20

(Ankur Jain) ASJ (SFTC-01) West

Delhi: 30.09,2020

State Vs. Mukesh Kumar

FIR No.: 485/20 P.S.: Hari Nagar U/s: 392/34 IPC

30.09.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW. Sh. M.L. Ram, Ld. Counsel for the applicant.

IO SI Pankaj in person.

Reply on behalf of the IO filed. Copy supplied.

With consent arguments on the bail application heard. Put up for orders.

At this stage, Ld. Counsel for the applicant submits that he may be permitted to withdraw the present application.

Statement of the Ld. Counsel has been recorded in this regard.

In view of the statement of the Ld. Counsel present bail application stands dismissed as withdrawn.

Copy of this order be given dasti.

(Ankur Jain) ASJ (SFTC-01) West Delhi: 30.09.2020

State Vs. Mukesh Kumar

FIR No.: 485/20 P.S.: Hari Nagar U/s: 392/34 IPC

30.09.2020

Statement of Sh. M.L. Ram, Ld. Counsel for the applicant, Enroll. No. D-373/83.

At Bar

I may be permitted to withdraw the present bail application.

RO & A C

2019/2020

(Ankur Jain) ASJ (SFT -01) West

Delhi: 30.09.2020

State Vs. Dharmender Kumar

FIR No.: Not known

P.S.: Hari Nagar

U/s: Not known

30.09.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. Sanjeev Dwivedi, Ld. Counsel for the applicant.

No reply has been filed by the SHO PS Hari Nagar for the last 3 dates.

SHO PS Hari Nagar is directed to appear in person and explain as to why reply has not been filed.

Copy of the order be sent to the SHO PS Hari Nagar through whats-app by Naib Court of this court.

Put up on *05.10.2020*.

(Ankur Jain) ASJ (SFTC+01) West

Delhi: 30.09.2020

State Vs. Pritpal Singh

FIR No.: 477/19 P.S.: Nihal Vihar

30.09.2020

Fresh bail application has been received. It be checked and registered and is taken up for hearing in terms of Circular No. 546/13785-13810/Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'ble District Judge (West).

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. Mahipal Singh,, Ld. Counsel for the applicant. IO SI Anoop Singh (Pairvi official) PS Hari Nagar.

Reply has not been filed. Parivi official submits that IO has forgot to file the reply.

Put up on 09.10.2020. IO is directed to file reply on the said date.

(Ankur Jain) ASJ (SFT 01) West Delhi: 30.09.2020

State Vs. 1. Madan Lal and 2. Santosh Kumar

FIR No.: 12/20

P.S.: Anand Parbat

U/s: 308/323/506/34 IPC

30.09.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. R.P. Tomar, Ld. Counsel for both the applicants.

Sh. S.C. Sharma, Ld. Counsel for the complainant along with

complainant.

IO SI Bharat Bhushan.

Reply on behalf of the IO filed wherein it is stated that notice was given to the applicants to join the investigation on 08.09.2020 but despite that they had not joined the investigation.

The perusal of the file shows that case diary of 08.09.2020 is not on record. IO is again directed to issue notice to the applicants who shall join the investigation.

Put up for further proceedings on <u>20.10.2020.</u> Interim order to continue till then.

(Ankur Jain) ASJ (SFTC-01) West Delhi: 30.09.2020

Bail Application No. : Girish Kumar Vs. State

FIR No.

: Not known

PS

: Ranhoa

U/s

: Not known

Hearing took place through Cisco WebEx.

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Anilendra Pandey, Ld. Counsel for applicant.

Report received from PS wherein it is categorically stated that no FIR is registered against the present applicant Girish Kumar in PS Ranhola. Thus, application is dismissed being non maintainable. Copy of order be sent to all concerned through electronic mode.

(ANKUR JAIN)

State Vs. Shamshad @ Vicky

FIR No.: 481/20

P.S.: Hari Nagar

U/s: 420 IPC & 66C/66D of IT Act

HEARING TOOK PLACE THROUGH CISCO WEB EX.

30.09.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. Mohit Auluck, Ld. Counsel for the applicant.

Reply on behalf of the IO filed.

IO is directed to appear on the next date of hearing.

Put up on <u>05.10.2020.</u>

(Ankur Jain) ASJ (SFTC-01) West Delhi: 30.09.2020

Naveen Vs. State

FIR No.

: 811/2020

PS

: Ranhola

U/s

: 354/376/506 IPC

Hearing took place through Cisco WebEx.

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Sandeep Gupta, Ld. Counsel for applicant/accused.

Reply on behalf of IO filed. Ld. Counsel for accused submits that matter has been settled with the complainant and complainant is sitting outside his chamber.

Ld. Counsel for accused as well as complainant are directed to appear physically in Court. IO be also summoned for identification of complainant.

Put up on 05.10.2020.

(ANKUR JAIN)

Offer @ Karan Vs. State

E-FIR No.: 021094/2020

PS : Hari Nagar

U/s : 379 IPC

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

None for applicant/accused.

Put up on 06.10.2020.

(ANKUR JAIN)

FIR No: 157/2020

PS: Ranhola

STATE VS. Rashid

U/s: 4 Muslim Women Protection of Right, 2019

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Vikas Kumar, Ld. Counsel for applicant/accused.

Complainant in person.

In support of her identity copy of Adhar Card placed on record. Complainant submits that matter has been settled and she has received the settled amount. Statement of complainant is recorded.

In view of the statement of complainant the accused is admitted to anticipatory bail. In the event of arrest accused be released on bail on furnishing bond in sum of Rs. 25,000/- with one surety of like amount. Accused shall not in any manner contact the complainant or shall not try to influence her in any manner. Accused shall provide his current mobile number to the IO and shall mark his presence in the PS once in a month either physically or virtually as per the convenience of IO. Application disposed off. Copy of the order be given dasti. Copy of order be also sent to IO / SHO concerned.

FIR No: 157/2020

PS: Ranhola

STATE VS. Rashid

U/s: 4 Muslim Women Protection of Right, 2019

30.09.2020

Statement of complainant Ms. Nisha Khan, D/o Shamshad Ali, R/o B-178, B Block, Lions Enclave, Vikas Nagar, Uttam Nagar, West Delhi.

On SA:

I am the complainant in the present case. I have settled the matter with the accused. In terms of the settlement I have received a sum of Rs. 3,50,000/- and the entire jewellery. This is full and final settlement. I have no objection if anticipatory bail is granted to the accused.

RO&AC

Nisha

Jasbir Kaur Vs. State

FIR No.

: 536/2020

PS

: Hari Nagar

U/s

:354/354A/354D/506/34 IPC

30.09.2020

Fresh Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West). It be checked and registered.

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Mukesh Rana , Ld. Counsel for all applicant/

accused (through Cisco Web Ex).

Mr. S. D. Dixit, Ld. Counsel for complainant with

complainant.

Ms. Arti Pandey, Ld. DCW Counsel.

Ld. Counsel for accused submits that interim protection be granted.

On the other hand, Ld. Counsel for complainant has vehemently argued that not only on 1st but also on 3rd Sept., 2020 complainant was beaten. These facts have not been mentioned by the IO in his report. Let IO of the case be summoned.

Put up on 07.10.2020.

(ANKUR JAIN)

Sudha Vs. State

FIR No. : 90/20

PS

: Ranhola

U/s

: 323/328/342/344/365/376/

506/34 IPC

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

None for applicant/accused.

Complainant is absent.

Reply received. IO is directed to appear in person on

NDOH.

Put up on 05.10.2020.

State Vs. AKASH

FIR No.: 274/2020 P.S.: Anand Parbat U/s: 308/323/34 IPC

HEARING TOOK PLACE THROUGH CISCO WEB EX.

30.09.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. Vineet Jain, Ld. Counsel for the applicant.

Reply has not been filed by the IO.

Let the same be filed. Put up for arguments on <u>01.10.2020.</u>

Copy of the order be sent to the SHO concerned.

(Ankur Jain)

ASJ (SFTC 01) West

Delhi: 30.09.2020

State Vs. Nilesh

FIR No.: 274/2020 P.S.: Anand Parbat U/s: 308/323/34 IPC

HEARING TOOK PLACE THROUGH CISCO WEB EX.

30.09.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW.

Sh. Vineet Jain, Ld. Counsel for the applicant.

Reply has not been filed by the IO.

Let the same be filed. Put up for arguments on <u>01.10.2020.</u>

Copy of the order be sent to the SHO concerned.

(Ankur Jain) ASJ (SFTC-01) West Delhi: 30.09.2020

State Vs. Dhanwanti Kaur

FIR No. : 594/20

PS: Nihal Vihar

U/s: 498A/304B/34 IPC

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Zia Afroz, Ld. Counsel for accused.

TCR be called for 06.10.2020.

State Vs. Simran Kaur

FIR No. : 594/20

PS

: Nihal Vihar

U/s

: 498A/304B/34 IPC

30.09.2020

Bail application taken up for hearing in terms of Circular no.546/13785-13810/ Bail Power/Gaz./DJ West/2020 dated 31.08.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Zia Afroz, Ld. Counsel for accused.

TCR be called for 06.10.2020.