

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 859/20
PS: Nangloi
U/s 376/506/509/34 IPC
State Vs. Rajab Ali

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. B. Sharma, counsel for the applicant.
IO SI Reena also present with prosecutrix.

By this order, I shall decide the present application requesting for grant of anticipatory bail to applicant Rajab Ali. Facts as stated in the application are as follows:-

It is submitted that the applicant is sought to be arrested by police of PS Nangloi in connection with this case. That the applicant is a law abiding citizen. That applicant is permanent resident of Delhi and is having clean antecedents. That police of PS Nangloi has falsely implicated the applicant in this case even though the applicant is innocent. That the FIR shows that the allegations against the applicant are only of threat which is general in nature, baseless and an after thought. That applicant has been falsely roped only because he is elder brother of accused who has been arrested at the instance of complainant. The applicant has reasonable apprehension that police officials will arrest him. It is therefore requested that applicant may be granted anticipatory bail.

Ld. Additional PP for the State has strongly opposed the bail application stating that brother of applicant is accused of offence under Section 376 IPC against the complainant. It is submitted that even the applicant is co-accused in

the present case and there are serious allegations against him that the applicant is threatening the complainant/prosecutrix with dire consequences to take back her case as the main accused is the real brother of the applicant. Even the prosecutrix who is present in the court alongwith IO has strongly opposed the bail and has submitted that there is a threat to her life by the present applicant and that the applicant has directly threatened the prosecutrix with dire consequences in case the prosecutrix does not take back her case.

I have heard arguments from both the sides. This case involves offence under Section 376/506/509/34 IPC read with Section 6 & 12 of POCSO Act. There are clear allegations against the present applicant threatening the prosecutrix with dire consequences. As per reply of IO, Section 313 IPC and Section 6/12 POCSO Act were added in the present case later on. Keeping in view the gravity of offence against the brother of the applicant and the allegations of direct threat by the applicant to the prosecutrix, it is not advisable to grant anticipatory bail to the applicant at this stage as there is a strong possibility that if anticipatory bail is granted then the present applicant may involve in threatening, intimidating or even harm the prosecutrix. Therefore, the present bail application is rejected having no merits.

Copy of this order be sent to all concerned on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

State Vs. Santosh Bahadur @ Thapa
FIR No. 794/20
PS Nangloi
U/s 307 IPC &
27/54/59 Arms Act

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Shri Arun Sharma & Shri Bishnu Kumar, Ld. counsels for the
applicant/accused.
ASI Sunil Kumar from PS Nangloi on behalf of IO SI Sunil in person.

By this order, I shall decide the present application requesting for grant
of regular bail to the applicant Santosh Bahadur @ Thapa. Facts as stated in the bail
application are as follows :

That applicant was arrested on 11.07.2020 and since then, he is in
judicial custody. That as per the case of the prosecution, the complainant and his
friend who were drunk when they were coming back to their houses, they found that
one person Annu was standing with the present applicant whose name they came to
know later on. It is submitted that since the applicant and said Annu did not give way
to the complainant, there was an argument and friend of complainant Ran Bahadur
started honking. Even thereafter, the applicant did not give way and started
confrontation with the country-made *katta*. The applicant opened fire as per the case
of prosecution and the bullet hit right abdomen region of the friend of the
complainant namely Ran Bahadur. It is submitted that the injured has been
discharged from the hospital. It is submitted that there was no motive on behalf of
applicant to fire the country-made pistol at the injured. It is submitted that applicant
is innocent and has been falsely implicated in this case and the country-made pistol

has been planted upon the applicant. It is, therefore, requested that the applicant be granted regular bail till disposal of the case.

Learned Addl. Public Prosecutor has strongly opposed the bail application in view of reply submitted by the IO. It is submitted that at the time of incident, the applicant fired gun shot upon the car of the injured Ran Bahadur due to which he received injuries on the right side of his abdomen. During investigation, the applicant was arrested in the case on 12.07.2020 and from his possession, the country made pistol with one live cartridge was also recovered. The applicant is habitual offender and is involved in 25 cases. Therefore, bail should not be granted to the applicant.

I have heard arguments from both the sides.

There are clear allegations against the applicant of firing a country-made pistol at the injured. There are two public witnesses in the form of complainant as well as the injured. As per the case of the prosecution, the applicant is involved in 25 cases some of them grave & heinous in nature. Even as per the bail reply, even the family of applicant has no control over the applicant and the applicant is a habitual drug & liquor addict. Therefore, keeping in view the criminal history of the applicant and the grave allegations against the applicant, it is not advisable to grant bail to the applicant at this stage as there is a strong possibility that applicant may jump bail, try to threaten, intimate or even harm the prosecution witnesses or tamper with the case of the prosecution or may commit more offences. Therefore, the present bail application is rejected having no merits at this stage.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Shri Vineet Kumar, counsel for applicant/accused.

By this order, I shall decide the present application requesting for grant of anticipatory bail filed on behalf of applicant Radhe Shyam. Facts as stated in the bail application are as follows :

It is submitted that applicant is a law abiding citizen and is a permanent resident of Ghaziabad, U.P. That the applicant got married with the complainant Ms. Richa Rani on 09.10.2016 at *Arya Samaj Mandir*, Delhi. It is submitted that no family members of the applicant attended the said marriage ceremony and the said marriage was a love marriage without the consent and permission of the family members of the applicant. That since the day of marriage, the applicant and his wife i.e. the complainant residing in a separated rented accommodation. That the allegations levelled in the complaint are totally false and frivolous just to harass the applicant. That the said marriage was a dowry less marriage and no dowry articles were demanded by the applicant or his family members from the complainant or her parents nor has caused any mental & physical cruelty upon the complainant. That it is the complainant herself without the consent and the permission of the applicant, had left the matrimonial home on 17.10.2018 and since then, she is residing at her parental home with her parents. That the applicant made various attempts to join the company of the complainant but all in vain. That the applicant was regularly attending the proceedings in CAW Cell and also the mediation proceedings in Rohini Court before registration of the FIR and in the said mediation proceedings, the applicant several times requested to the complainant to join his company but she totally refused. That the applicant has not committed any offence and is not a previous convict, however, applicant undertakes to join the investigation as & when required by the IO/SHO concerned. It is, therefore, requested that the applicant be granted anticipatory bail.

Learned Addl. Public Prosecutor has opposed the bail application in view of the reply filed by the IO. It is submitted that if anticipatory bail is granted at this stage then it may hamper the investigation of the case.

I have heard arguments from both the sides.

The present case appears to be a matrimonial dispute. It is submitted by Ld. counsel for applicant that two other co-accused have already been granted bail and he is seeking present bail on the ground of being innocent as well as on parity. In the opinion of the court, the social and solemn fabric of marriage should not be dismantled in a casual manner. It is submitted that the complainant is already residing with her own parents. Hence, there is no danger to the complainant if anticipatory bail is granted to the applicant on the grounds of parity. If the applicant is found to be accused at the filing of charge-sheet and guilty at the conclusion of trial, he will go through the entire legal process and if he is found guilty, he may be punished but at this stage, in the opinion of the court, applicant should not be committed to judicial custody if he has not threatened the complainant and if he has not interfered the investigation in any manner. Therefore, the applicant Radhe Shyam is granted anticipatory bail subject to the following conditions :

- i. That the applicant shall join the investigation as & when directed by the IO and the court;
- ii. That the applicant shall furnish a bail bond in the sum of Rs. 25,000/- with one surety of like amount subject to the satisfaction of the IO/SHO concerned in the event of his arrest.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 316/20
PS: Mundka
U/s 376/506/34 IPC
State Vs. Yogesh Sehrawat**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Counsel for complainant through videoconferencing.

None for applicant despite repeated calls either through physical hearing or through VC.

Ld. APP submits that neither the prosecutrix nor IO is present and assistance of IO is required and presence of prosecutrix is must. Therefore, issue notice to IO to remain present on the next date and also ensure the presence of complainant/prosecutrix either physically or through VC, returnable for **17.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 219/20
PS: Anand Parbat
U/s 307/323/34 IPC
State Vs. Deva etc.**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Deepak Juneja, counsel for applicant.

By this order, I shall decide the present bail application moved on behalf of accused persons/applicants Deva and Ritik. Facts as stated in the application are as follows:-

That this is the second bail application moved on behalf of accused persons. First bail application was dismissed by court of Ld. ASJ on 03.09.2020 as he was then on duty. It is submitted that the injured persons were discharged from the hospital on the same day. That applicants have been falsely implicated in the present case at the instance of the complainant. As per the prosecution story, one of the complainant namely Ghanshyam alongwith five other boys were flying kite on the roof of his relative namely Prakash who is neighbour of accused persons. It is alleged that while flying kite, cap of boy namely Arpit fell down on the roof of Vicky, who is neighbour of Prakash. The complainant tried to pick cap with the help of kite's thread at which Vicky threatened him "Niche aakar dikhao, tumhe chaku marta hoon". Complainant came down with Prakash and Arpit. A scuffle took place in which Vicky took out knife and attacked Prakash. It is submitted that the allegations are false. It is further submitted that it was the complainant who started the fight in drunken condition and inflicted injuries upon the applicants and later on

FIR No. 219/20
PS: Anand Parbat
U/s 307/323/34 IPC
State Vs. Deva etc.

falsely implicated the applicants in the present case. It is requested that the applicants may be released on bail in the interest of justice.

Ld. Additional PP for the State has opposed the bail in view of reply filed by the IO. Allegations against both the applicants are serious and grave in nature and the matter is still at the initial stage of investigation. It is submitted that even final opinion upon MLC of injured is awaited and previous bail applications have already been dismissed by the court of Ld. ASJ. It is submitted that if the applicants are granted bail, they can threaten the witnesses and hamper with the evidence and might jump bail.

I have heard arguments from both the sides. In this case, court is inclined to agree with the submissions of Ld. Additional PP. Allegations against both the applicants are very serious in nature that they inflicted injures upon the injured. Moreover, final opinion of MLC has not been received. Investigation is in initial stage. If bail is granted to the applicants, it might hamper further investigation of this case. Therefore, keeping in view the above-mentioned observations and discussions and in view of the fact that if bail is granted, applicants can threaten, intimidate or even harm the prosecution witnesses, the present bail application is rejected at this stage having no merits.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 69/20
PS: Anand Parvat
U/s 392/397/34 IPC
State Vs. Ashish

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Mohd. Iliyas counsel for applicant.

By this order, I shall decide the present application requesting for grant of regular bail to accused/applicant Ashish. Facts as stated in the application are as follows:-

It is submitted that applicant was arrested by police of PS Anand Parbat on 01.04.2020 and since then he is in judicial custody. It is submitted that chargesheet has already been filed before the concerned court by the IO. It is also submitted that applicant was not arrested at the time or the place but was picked up nearby the house of police officer. That the applicant is not seen in the CCTV footage at the time of occurrence. That the applicant is not a previous convict in any criminal case till date. It is submitted that the applicant has been falsely implicated in this case. It is submitted that nothing has been recovered from the possession of applicant and that recovery if any, has been falsely planted upon the applicant by the police officials. That investigation has been completed and no purpose would be served by keeping the applicant in JC. That applicant is the only bread earner of his family. That applicant undertakes to abide by all the terms and conditions imposed by the court if the bail is granted.

Ld. Additional PP for the state has strongly opposed the application stating that the complainant Lalit Kumar is working as Head Constable in Delhi Police and the said instance was committed by accused persons on 31.03.2020 at around 11 pm when he was returning to his home after duty. It is submitted that present applicant snatched the mobile phone of the complainant and the same was recovered from him during investigation. IO of the case has submitted that though CCTV footage is not available with the IO right now but in the CCTV footage, the present applicant can be clearly seen alongwith other co-accused persons committing the said offence.

I have heard arguments from both the sides. IO has submitted that accused is clearly seen in the CCTV footage committing the said offence.

Keeping in view the seriousness of the offence and the fact that IO has submitted that face of applicant is clearly visible in CCTV footage, court is not inclined to grant bail at this stage as no charge has been framed nor the evidence has been recorded. Therefore, keeping in view the gravity of offence and the fact that neither charge has been framed and recording of evidence has not yet begun, the present application is **rejected** at this stage as there is a strong possibility that applicant might jump bail and may try and threaten or even harm the prosecution witnesses.

Copy of this order be sent to all concerned on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

15.09.2020

Arguments on bail application heard through videoconferencing.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Ms. Harpreet Kaur, complainant/wife of applicant alongwith counsel Mr. S.K Grover through videoconferencing.
Shri Varun Kumar, counsel for applicant through videoconferencing.

By this order, I shall decide the present anticipatory bail application filed by applicant Malkeet Singh. Facts as stated in the bail application are as follows :

It is submitted that applicant has strong apprehension that an FIR can be registered against him. That it was a arranged marriage. That the complainant and applicant have one child from the wedlock. It is submitted that despite love, affection and respect given by the applicant and his family to the complainant, the conduct of complainant became very unreasonable and disrespectful to the applicant and his family members. It is submitted that the complainant started quarreling frequently with the applicant & his family and abused them. That the complainant caused mental cruelty upon the applicant and his family. That the complainant lodged a complaint in the CAW Cell where applicant tried to settle all the matrimonial disputes but the complainant refused. Applicant has agreed to return all the *istridhan* articles of the complainant as demanded by the complainant. That applicant has tried all possible ways to amicable settle the matrimonial disputes but the complainant has become very adamant. That apprehending a false case and false allegations against the applicant, the present application has been filed requesting for granting of anticipatory bail to protect the applicant from false victimization at the hands of the complainant. It is, therefore, prayed that the applicant may be granted bail in the event of his arrest in case an FIR is lodged at the behest of the complainant.

IO has also filed his reply and the complainant has herself argued the application opposing the same through videoconferencing. It is submitted that FIR has not been registered till date and therefore, the present bail application should not be entertained. Learned Addl. PP has also opposed the bail application submitting that till date no FIR has been registered. Therefore, the application is pre mature.

I have also heard counsel for the complainant through videoconferencing.

After hearing arguments from both the sides, the court is of the opinion that it appears to be a matrimonial dispute in essence. Till date, no FIR has been registered by the police. In the opinion of the court, if the police finds sufficient evidence to lodge an FIR after preliminary inquiry, the investigation agency is at liberty to do so but in the meantime, since it appears to be a matrimonial dispute at this stage, the fabric of marriage should be protected by ensuring that there is no unnecessary victimization of the applicant because of the process and procedure but the rights of the complainant have to be balanced with the rights of the accused at this stage. Therefore, keeping in view the interests of both the parties and the fact that no FIR has been lodged till date, in the opinion of the court interests of justice would be better served by granting of some sort of protection to the applicant also without giving him a complete blanket protection. Therefore, the concerned IO as well as SHO and any other concerned police officer are directed to ensure that a one week notice in writing be given to the applicant in advance in case of his arrest or other coercive action by the investigating agency. In case of registration of FIR or the arrest of the applicant or in any such measure, an advance notice shall be communicated personally to the applicant. With this order and observation, the present application is disposed of accordingly. Anticipatory bail is denied at this stage.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

FIR No. 390/18

PS: Hari Nagar

U/s 302/201/120-B/34 IPC & 25/54/59 Arms Act

State Vs. Mohd. Shahzad Sheikh

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Amit Kumar Kaushal, counsel for the applicant.

Issue court notice to IO to appear before the court for assistance of Ld.
APP, on **16.09.2020**.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 774/19
PS: Nangloi
U/s 307/326/506 IPC
State Vs. Salman**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Dhan Bahadur, counsel for the accused/applicant through VC.

TCR not received.

Issue notice to the concerned Ahlmad to send the TCR before the court concerned on **16.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 0037/18
PS: Hari Nagar
U/s 420/467/468/471/120-B/34 IPC
State Vs. Alka Bali**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Brijesh Sharma and Mr. Harsh Sharma, counsels for the
accused/applicant.

IO is not present.

Ld. APP for the State submits that he requires assistance of IO to argue
the bail application.

On request of Ld. APP, list for arguments on **22.09.2020**. Issue notice
to IO to remain present on the next date for assistance of Ld. APP.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 695/19
PS: Rajouri Garden
U/s 21 NDPS Act
State Vs. Emmanuel Job**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. J.S Kushwaha, counsel for the accused/applicant.

On request of counsel for applicant, adjourned for arguments on

19.09.2020.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 135/19
PS: Khyala
U/s 21/25 NDPS Act
State Vs. Geoffrey Boateng**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. J.S Kushwaha, counsel for the accused/applicant.

On request of counsel for applicant, adjourned for arguments on
19.09.2020.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 90/20
PS: Hari Nagar
U/s 364A/392/34 IPC
State Vs. Hari Pal**

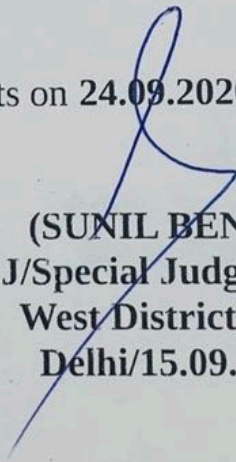
15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Ayub Ahmed Qureshi, counsel for the accused/applicant.

TCR received. Let the same be again summoned for the next date.

Counsel seeks an adjournment stating that he is not prepared for arguments today. Granted.

On request, put up for arguments on **24.09.2020**.


**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 299/20
PS: Hari Nagar
U/s 307/341/34 IPC
State Vs. Govinda @ Ganja**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Vijay Shankar Tiwari proxy for Mr. Mahesh Kumar Patel, counsel
for the accused/applicant.

TCR received. Let the same be again summoned for the next date.

Proxy counsel seeks an adjournment on the ground of illness of main
counsel. Granted.

On request, put up for arguments on **19.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 760/20
PS: Rajouri Garden
U/s 20/61/85 NDPS Act
State Vs. Rani**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Devender Pandey, counsel for the applicant.

Counsel for the applicant has requested that IO may be directed to file complete report as present bail is sought on the ground that applicant is 52 years old lady who has been falsely implicated and she also has to support three daughters and physically handicapped husband. So, IO is directed to file complete report regarding family health and financial status of applicant on the next date, returnable for **21.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020**

State Vs. Anjani Kumar Pandey
FIR No. Unknown
PS Ranhola

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Counsel Shri Vipul Shukla for applicant.
IO ASI Dharmender Rai in person.

At request of Ld. counsel, IO is directed to provide copy of complaint received against the applicant to the counsel within two days from today and meanwhile, arguments have been heard upon the anticipatory bail application.

Put up the matter for orders on anticipatory bail application during the course of the day.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

BAIL ORDER

By this order, I shall dispose of the present anticipatory bail application filed on behalf of applicant Anjani Kumar Pandey. Facts as stated in the bail application are as follows :

It is submitted that the complainant has filed a false complaint in the police station against the applicant as a counter-blast to the complaints filed by the wife of applicant in PS Ranhola, West District, Delhi. It is submitted that applicant has been getting regular calls from the police to join the alleged inquiry/investigation. That applicant has never been accused in any criminal case. That applicant has not committed any offence even relating to the present transactions in hand. It is submitted that the present complaint is counter-blast to the

cases filed by the wife of the applicant against the complainant. It is submitted that these are nothing but monetary disputes in which the cheques are used and being misused in order to falsely implicate the parties. It is submitted that the complainant is indulging into blackmail by filing false criminal cases and complaints against the applicant with the police. It is, therefore, requested that applicant may be granted anticipatory bail in order to save himself from false cases.

Learned Addl. Public Prosecutor has strongly opposed the bail application in view of reply filed by the IO. It is submitted that on behalf of prosecution till date no FIR has been registered in the present case and cross complaints are pending in the police station. It is submitted that keeping in view the nature of dispute, the applicant is not entitled to any protection interim or otherwise because if interim protection is granted at this stage, then it may hamper the investigation by the applicant if the police decides to register an FIR.

I have heard arguments from both the sides.

In this case, the court is inclined to agree with the submissions of Learned Addl. Public Prosecutor. Admittedly, even by the IO, the disputes are monetary in nature but till date it is not clear as to which offences may be invoked by the police if they decide to register an FIR. In the opinion of the court, granting anticipatory bail to the applicant at this stage may hamper the investigation if the police registers an FIR on later stages. Even the nature of allegations are not clear in the complaints and counter-complaints. Therefore, the present application for anticipatory bail is dismissed as in the opinion of the court, there is no merits in the application at this stage. The application stands disposed of accordingly.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 951/20

PS: Nangloi

U/s 328/376D/506/34 IPC

State Vs. Satyender @ Sammi

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Himanshu Saxena counsel for the applicant.
IO SI Reena is present with prosecutrix.

By this order, I shall decide the present bail application moved on behalf of accused/applicant Satyender @ Sammi. Facts as stated in the application are as follows:-

That the FIR has been registered on 05.09.2020 upon the complaint of complainant. That applicant is innocent and has not committed any offence. That applicant was arrested on 05.09.2020 and has been interrogated. Nothing incriminating has been recovered at the instance or from his possession. That applicant is no longer required for the purpose of custodial interrogation. That applicant has been arrested just to extort money from him. Applicant is not involved in commission of alleged offences. That the complainant has no objection to the grant of bail. There are no allegations against the applicant in the statement of prosecutrix recorded under Section 164 Cr.P.C. The complainant as well as her family members are ready to settle any issues with the applicant and want to quash the FIR. No recovery has been effected from the possession of applicant and he is not required for further custodial investigation or interrogation. It is submitted that object of bail is to secure appearance of accused at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused

person will stand his trial when called upon. Punishment begins after conviction and every man is deemed to be innocent until duly tried and found guilty. Applicant has been victimised because of the false complaint of the prosecutrix against the applicant. Applicant is ready to abide by all the terms and conditions of bail. Therefore, in view of the arguments, it is requested that the applicant may be released on bail in the present case.

Ld. APP has opposed this bail application in view of reply of IO. It is submitted that the prosecutrix is working as staff nurse and in 2011 when she was working in Sonia Hospital, Nangloi, present applicant was got operated as patient and she was care taker of Sammi. At that time, Sammi's friend Chander Shekhar used to come to the hospital and Sammi took mobile number of the prosecutrix. On 03.09.2020 at about 8.30 pm, Chander Shekhar called the prosecutrix and told her that his wife is suffering from vomiting and stomach ache and requested the prosecutrix to give her an injection. Upon his request, prosecutrix came to Sonia hospital and he took her to his house on scooty but wife of Chander Shekhar was not present there. Chander Shekhar gave juice and water to the prosecutrix and after consuming the same, she felt drowsiness. After that, Chander Shekhar came there alongwith Vicky and Vicky caught her hand forcefully and took her to first floor and asked her to wait for some time. After some time, three unknown boys also came there when she was subconscious. Vicky and Chander Shekhar called their names as Amit, Golu and Rakesh and after that all of them raped her forcefully one by one. Chander Shekhar threatened her with dire consequences if she disclosed this incident to anyone. Upon her statement, present case was registered at PS Nangloi. As per the MLC of the victim, she had stated that Sammi was one of the three persons called by Vicky who had committed sexual intercourse with her.

Counsel for applicant has submitted that name of applicant Sammit has only been taken by the prosecutrix's narrative given in the MLC. It is further submitted that prosecutrix has given three narratives, one in the original complaint which culminated in lodging of the present FIR, the second at the time of MLC and third when statement u/s 164 Cr.P.C was recorded. It is submitted by counsel that out of these three versions and narratives, only in the MLC the prosecutrix has taken the name of the applicant. It is further submitted that even as per the own version of prosecutrix, she was administered some kind of intoxicating substance and MLC was conducted immediately thereafter. It is submitted by counsel that it is highly possible that in a state of derelium the prosecutrix may have taken the name of Sammi because Sammi is known to Chander Shekhar and Chander Shekhar used to visit the applicant Sammi when he was admitted in Sonia hospital. It is submitted by counsel that it would be grave travesty of justice if even in such a case when there are no clear cut allegations against the applicant, the applicant is committed to judicial custody. Moreover, even the IO who is present in the court today has submitted that the prosecutrix has given different narratives of the incident at different stages of investigation. Even the prosecutrix who is present in court in presence of IO and Ld. APP has submitted that she never saw the applicant Sammi committing any of these acts with her own eyes and all she heard was few names in the state of semi-consciousness.

I have heard arguments from all the sides. Out of the three narratives given by the prosecutrix she has taken name of Sammi only once and that too as per the version of MLC recorded by the doctor. Admittedly, when she was brought for her medical examination, she was given some intoxicated substance allegedly by co-accused Chander Shekhar before commission of alleged offence. Therefore, at

this stage, it cannot be said what was the actual state of mind of the prosecutrix when she blurted out the name of applicant Sammi during the recording of MLC in the present case. It appears to be a fit case for grant of bail in view of judgment of Hon'ble Supreme Court titled as "**Sanjay Chandra vs Central Bureau of Investigation**" in criminal appeal nos. 2178 to 2182 of 2011 arising out of Special Leave Petition Criminal Nos. 5650, 5902, 6190, 6288, 6315, extracts of which have already been quoted above at the time of submission of facts in the bail application. Therefore, keeping in view the different narratives given by the prosecutrix and the fact that the prosecutrix who was present in the court today herself stated in open court that she never saw accused Sammi being present at the time of commission of offence, the applicant is granted bail but subject to following terms and conditions:-

1. *That the applicant shall not contact the prosecutrix in any manner.*
2. *That the applicant shall not tamper with the case of prosecution in any manner.*
3. *that the applicant shall furnish bail bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of concerned MM/duty MM/CMM.*
4. *That the applicant shall not jump bail and attend court on each and every date of hearing.*

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

**State Vs. (1) Supreet Saxena &
(2) Darpan Saxena
FIR No. Not Known
PS : Kirti Nagar
U/s Not Known**

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Shri Tarun Narang and Shri Pujay Kumar Singh, Ld. counsels for the
applicant/accused.
ASI Satish Kumar on behalf of IO in person.

By this order, I shall decide the present bail application moved on behalf of both the applicants Supreet Saxena and Darpan Saxena. Facts as stated in the bail application are as follows :

That applicant no. 1 is sole proprietor of M/s Enterprise Solutions for IT & Security. That applicant no. 2 i.e. husband of applicant no. 1 deals and looks after all the communications with the clients. That in October/November 2017, applicant no. 2 received order from Indian Navy for supply of three X-Ray Baggage Scanners. It was agreed between applicant no. 1 and M/s Detech Devices Pvt. Ltd. that they would supply the scanners for a sum of Rs. 79,65,000/-. An advance of Rs. 13,50,000/- was paid by them to applicant no. 1 and subsequently, was to be paid upon delivery of machines. Copy of email dated 21.11.2016 sent by M/s Detech Devices Pvt. Ltd. is Annexure-1. In order to protect the interests of M/s Detech Devices Pvt. Ltd., the applicant no. 1 issued an undated cheque of Rs. 66,15,000/- to M/s Detech Devices Pvt. Ltd. which was to be presented after delivery of machines alongwith requisite certifications but certain requisite certifications were not supplied by them for which they were requested repeatedly by the applicants to deliver the same but till date, the same has not been delivered. Since the matter is related to the defence of the country, the necessary certifications are required by the applicant in order to save themselves from litigations exposure.

But instead of supplying necessary certifications, M/s Detech Devices Pvt. Ltd. insisted on the payment and presented the aforesaid cheque for presentation before compliance on their part. It is submitted that applicant has not committed any offence and have no intention of committing any offence in future also knowingly and deliberately but it is humbly requested that the applicant may be protected from any victimization in the form of arrest by the police at the behest of the complainant as the applicants are honest businessmen providing sound infrastructure for the defence of the country.

Learned Addl. Public Prosecutor has very fairly conceded that this matter appears to be of financial transactions and that the applicants are involved with the defence of the country. Ld. Addl. PP has fairly conceded that the applicants may be granted interim protection from arrest or any other coercive action till the time an FIR is formally registered against the applicant.

I have heard arguments from both the sides.

The law of the land is that accused is presumed innocent unless & until proven guilty. Matter is basically financial in nature and at this stage, it can not be said whether any offence has been committed or not. Till date, no FIR has been registered even by the investigating agency. Therefore, in order to protect and balance the interests of both the complainant & applicants, even though the request of anticipatory bail is rejected but both the applicants are granted interim protection in the sense that the IO or any other concerned police officer is directed to inform both the applicants by way of a notice in writing if any coercive action is going to be undertaken by the IO or any other concerned police officer against the applicants at-least two weeks in advance which notice shall be communicated personally to both the applicants. With these directions, the present application is disposed of accordingly.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

State Vs. Parvinder @ Prince @ Nakli
FIR No. 531/18
PS Hari Nagar
U/s 307/323/341/34 IPC

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Mr. V.S Tiwari, proxy counsel for main counsel Mr. Mahesh Kumar Patel for the applicant.

Proxy counsel seeks adjournment on the ground that the main counsel is not available today. Issue notice to IO to file proper medical verification report on the next date of hearing.

Re-list the matter for arguments on **21.09.2020**.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

State Vs. Keemat Singh & Ors.
FIR No. 267/19
PS Hari Nagar
U/s 302/307/506/34/120-B IPC
R/W Sec. 25/27 Arms Act

15.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Mr. V.S Tiwari, proxy counsel for main counsel Mr. Mahesh Kumar Patel for applicant Parvinder @ Prince @ Nakli.

Proxy counsel seeks adjournment on the ground that the main counsel is not available today. Issue notice to IO to file proper medical verification report on the next date of hearing.

Re-list the matter for arguments on **21.09.2020**.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
15.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 249/20
PS: Anand Parbat
U/s 354/354(B)/509/34 IPC
State Vs. Phool Chand**

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Nitin Jain, counsel for applicant through videoconferencing.
IO SI Rajwanti is present with victim in person.

By this order, I shall decide the present anticipatory bail application moved on behalf of accused/applicant Phool Chand. Facts as stated in the application are as follows:-

It is submitted that the applicant is a law abiding citizen and is innocent. It is submitted that the present case is a false case lodged by the prosecutrix as a counter blast to the FIR No. 0148/20 in order to avenge the FIR lodged against the complainant. It is submitted that applicant has not committed any offence of the nature alleged by the prosecutrix. It is further submitted that the applicant is in possession of CCTV footage which clearly reveals that the applicant is innocent. It is submitted that IO of the case is not collecting the CCTV footage from the applicant which shows the innocence of the applicant. It is further submitted that the complainant is involved in many illegal acts of encroaching upon public land, raising illegal and unauthorized construction, quarrelling and present case is an offshoot of the FIR lodged by the accused against the complainant for illegal activity only. The present FIR has been lodged in order to pressurize the family of the applicant to settle the case FIR No. 0248/20 and to take revenge.

Judgment of Hon'ble Supreme Court of India in case Arnesh Kumar vs State of Bihar 2014 SC has also been cited in favour of the present application. It is submitted that the applicant should not be subjected to pre trial detention as the applicant is innocent which shall be proved during the course of trial. It is therefore prayed that the applicant may be granted anticipatory bail as applicant is ready to join investigation and comply with all the terms and conditions imposed by the court.

Ld. Additional PP has strongly opposed the application on the ground that accused is not joining the investigation. Ld. Additional PP has submitted that if the anticipatory bail is granted, it may lead to hampering in the investigation. IO who is also present has submitted that the actual dispute is between both the parties appears to be case FIR No. 0248/20 only in which the underlined reason for dispute is property only. Rest, IO has submitted that matter is under investigation.

The only contention of Ld. Additional PP in opposing the present application is that the accused are not co-operating in investigation and therefore bail should not be granted.

I have heard arguments from both the sides. If the accused is guilty of commission of offence, then no doubt investigating agency shall conduct the investigation and file a proper report before the concerned court. Investigation of the case would reveal actual facts of the case. It is not the case or submission of prosecutrix or the IO that the prosecutrix has been threatened by the applicant accused after the commission of offence. Keeping in view the facts and circumstances, the applicant is granted anticipatory bail subject to following terms and conditions:-

1. That the applicant shall join investigation and fully co-operate with the IO.
2. That the applicant shall not threaten or intimidate any of the prosecution witnesses.
3. That the applicant shall furnish bail bond in the sum of Rs.20,000/- with one surety of like amount to the satisfaction of concerned IO/SHO in the event of his arrest.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 249/20
PS: Anand Parbat
U/s 354/354(B)/509/34 IPC
State Vs. Virender Vikram

15.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Nitin Jain, counsel for applicant through videoconferencing.
IO SI Rajwanti is present with victim in person.

By this order, I shall decide the present anticipatory bail application moved on behalf of accused/applicant Virender Vikram. Facts as stated in the application are as follows:-

It is submitted that the applicant is a law abiding citizen and is innocent. It is submitted that the present case is a false case lodged by the prosecutrix as a counter blast to the FIR No. 0148/20 in order to avenge the FIR lodged against the complainant. It is submitted that applicant has not committed any offence of the nature alleged by the prosecutrix. It is further submitted that the applicant is in possession of CCTV footage which clearly reveals that the applicant is innocent. It is submitted that IO of the case is not collecting the CCTV footage from the applicant which shows the innocence of the applicant. It is further submitted that the complainant is involved in many illegal acts of encroaching upon public land, raising illegal and unauthorized construction, quarrelling and present case is an offshoot of the FIR lodged by the accused against the complainant for illegal activity only. The present FIR has been lodged in order to pressurize the family of the applicant to settle the case FIR No. 0248/20 and to take revenge.

Judgment of Hon'ble Supreme Court of India in case Arnesh Kumar vs State of Bihar 2014 SC has also been cited in favour of the present application. It is submitted that the applicant should not be subjected to pre trial detention as the applicant is innocent which shall be proved during the course of trial. It is therefore prayed that the applicant may be granted anticipatory bail as applicant is ready to join investigation and comply with all the terms and conditions imposed by the court.

Ld. Additional PP has strongly opposed the application on the ground that accused is not joining the investigation. Ld. Additional PP has submitted that if the anticipatory bail is granted, it may lead to hampering in the investigation. IO who is also present has submitted that the actual dispute is between both the parties appears to be case FIR No. 0248/20 only in which the underlined reason for dispute is property only. Rest, IO has submitted that matter is under investigation.

The only contention of Ld. Additional PP in opposing the present application is that the accused are not co-operating in investigation and therefore bail should not be granted.

I have heard arguments from both the sides. If the accused is guilty of commission of offence, then no doubt investigating agency shall conduct the investigation and file a proper report before the concerned court. Investigation of the case would reveal actual facts of the case. It is not the case or submission of prosecutrix or the IO that the prosecutrix has been threatened by the applicant accused after the commission of offence. Keeping in view the facts and circumstances, the applicant is granted anticipatory bail subject to following terms and conditions:-

1. That the applicant shall join investigation and fully co-operate with the IO.
2. That the applicant shall not threaten or intimidate any of the prosecution witnesses.
3. That the applicant shall furnish bail bond in the sum of Rs.20,000/- with one surety of like amount to the satisfaction of concerned IO/SHO in the event of his arrest.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/15.09.2020