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**INTERIM BAIL APPLICATION**

**State Vs. Raghav Jha**

**FIR No. :339/2016**

**PS: Daryaganj**

**U/S:392/395/397/411/34 IPC and 25 /27 Arms Act**

**18.07.2020**

Present:Mr. Pawan Kumar,Ld. Addl. PP for the State through VC

Mr. Pankaj Srivastava, learnedCounsel from for Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Vide this order application dated 03/07/2020 moved on behalf of accused Mr Raghav Jha for granting interim bail is decided.
3. Reply already filed by IO.
- 4.Arguments heard. Record perused . Further documents, case law filed by the accused side also perused.
- 5.In nutshell it is submitted on the behalf of accused that there are no specific allegation against the accused. That his wife is staying in rented accommodation and there is no source of income. That one of daughter of accused will be going in 6<sup>th</sup> class and other need to be admitted in school. That there is outbreak of pandemic due to corona virus including inside the jail . That in fact certain directions are already passed by Hon'ble HC. That on similar ground and situation interim bails are being granted by Hon'ble HC and other Ld. Session courts. It is further claimed that accused falls under the relaxed interim bail criteria given by Hon'ble HC . As such, it is prayed that he be granted interim bail on appropriate terms.

State Vs. Raghav Jha

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6. On the other hand, a detailed reply dated 06/07/2020 filed by IO. It is further argued by learned Addl. PP for the state that present offence is very serious in nature and offences charged against the accused are punishable upto imprisonment for life. It is stated that present accused alongwith his associates committed dacoity of Rs. 40 lakh on gunpoint . That it is not the case of accused that he himself is ill , thus he do not fall in the concerned relaxed interim bail criteria dated **18/04/2020**. As such, present bail application is strongly opposed.

7. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.04.2020**. For the present type of offences, a relaxed criteria for interim bail is recommended by Hon'ble High Court on such date but it was further subject to such accused is suffering from HIV, cancer, chronic kidney dysfunction (requiring dialysis) , Hepatitis B or C, Ashtma and T.B.

It is not the case of accused that he himself is suffering from any of the disease. As such, the case of the present accused does not fall under the relaxed criteria given by the Hon'ble High Court.

8. Even otherwise on merit, this court do not find the ground on merit stated by the accused sufficient to admit him to interim bail. Further, it is not the case that he is or anybody in his barrack is suffering from corona virus. Further, offence is very serious in nature. As such, this court is not inclined to grant interim bail to the present accused. With these observations, present interim bail application is dismissed.

**9. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further, a copy of this order be sent to Jail Superintendent concerned.**

NAVEEN KUMAR KASHYAP  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**18.07.2020.**

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## INTERIM BAIL APPLICATION

**State Vs. Rahul Gupta @ Tyagi**  
**FIR No.: 210/2018**  
**PS: Prasad Nagar**  
**U/S: 302, 34 IPC**

**18.07.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through  
VC

Mr. Pankaj Srivastava, learned Counsel for  
Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Vide this order application dated 03/07/2020 moved on behalf of accused Mr Rahul Gupta for granting interim bail is decided.

3. Reply dated 06/07/2020 already filed by IO. Further reply dated 13/07/2019 also filed by concerned jail suptd. About medical status of this applicant.

4. Arguments heard. Record perused . Further documents, case law filed by the accused side also perused.

5. In nutshell, it is submitted on the behalf of accused that there are no specific allegation against the accused. That he is suffering from various ailments and his condition is quite serious ,still jail authorities are not taking from medical care of the accused. That his family has no source of income in present pandemic situation .That there is outbreak of pandemic due to corona virus including inside the jail . That in fact certain directions are already passed by Hon'ble HC. That on similar ground and situation

State Vs. Rahul Gupta @ Tyagi  
FIR No.: 210/2018  
PS: Prasad Nagar  
U/S: 302, 34 IPC

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interim bails are being granted by Hon'ble HC and other Ld. Session courts. It is further claimed that accused falls under the relaxed interim bail criteria given by Hon'ble HC . As such, it is prayed that he be granted interim bail on appropriate terms.

6. On the other hand, a detailed reply dated 06/07/2020 filed by IO. It is further argued by learned Addl. PP for the state that present offence is very serious in nature and offences charged against the accused , there is minimum punishment is for life. It is stated that present accused played is specific role in the crime. That he is involved in other criminal cases , thus he do not fall in the concerned relaxed interim bail criteria dated **18/05/2020**. . As such, present bail application is strongly opposed.

7. As per report from jail suptd. Concerned accused is suffering from ortho problems .He was treated at DDU hospital . That earlier he was advised surgery but he refused the same on 18/06/2019. Further recently he complained of some skin itching problem and given treatment for the same. At present his condition is stable .

8.This applicant does not fall under the relaxed criteria dated 18/05/2020 of the Hon'ble High Court, as there is other criminal involvement of present accused. As such, he cannot be given banefit of the same.

9.Even otherwise on merit, this court do not find the ground on merit stated by the accused sufficient to admit him to interim bail. Further, it is not the case that he is or anybody in his barrack is suffering from corona virus. Further on merits Accused is charged with offence u/s 302 IPC which has a minimum punishment for life imprisonment. He is involved in other criminal matters also. As such, this court is not inclined to grant interim bail to the present accused. With these observations, present interim bail application is dismissed..

**10.Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further, a copy of this order be sent to Jail Superintendent concerned.**

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NAVEEN KUMAR  
KASHYAP

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/THC  
Central District/18.07.2020**

**BAIL APPLICATION**

**State V. Vikas Kaushik @ Sunny**

**FIR No. :524/2014**

**PS.:Burari**

**U.S.: 364,302,201,120B,34 IPC & 25,27,54,59 Arms Act**

**18.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Sh. Mukesh Kumar Sharma, Ld. counsel for accused/applicant through Electronic mode.

Reply filed by SI Ashok Kumar dated 17.07.2020 through E-mail. As per such reply, accused was never arrested in this case so far. In fact, he was declared P.O. on 24.01.2015. It is further stated that steps are being taken through concerned MM for issuance of production warrant/ arrest.

But it is reported by Reader/court staff that learned counsel for the accused seeks some time.

Same is noted. Heard.

**As such put up on 28.07.2020 for further appropriate proceedings.**

NAVEEN KUMAR KASHYAP  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**18.07.2020**