

Bail Application No.814/2020
FIR No.180/19
PS:Rajinder Nagar
U/s:498A/406/34 IPC
Ashok Kumar Sharma Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vinod.
Complainant with Sh. Jaikush Hoon, Advocate.
Sh. Ashu Bhatia, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

At the very outset, Ld. Addl. PP has raised an objection as to the maintainability of the present bail application on the ground that bail application is not signed at all.

Ld. Counsel of applicant accused states at Bar that he has already filed fresh duly signed bail application before the filing counter. He, therefore, seeks permission to withdraw the present bail application, without prejudice to the right of applicant/ accused to pursue the subsequent bail application already filed by him.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1179/2020
FIR No.019/2020
PS:NDRS
U/s:411/413/34 IPC
Anil Kumar Vs. State

14.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ HC Jaibeer Singh.
Sh. Saleel kumar Jha, Advocate for applicant/ accused.

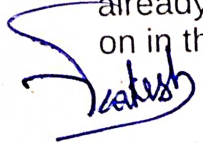
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case and he is in custody since **02.08.2020**. It is further argued that applicant is having clean antecedents and he is having bright future ahead. It is further argued that co-accused namely Vinod has already been granted regular bail in this case and therefore, the applicant also deserves to be granted bail on the ground of parity. It is further argued that the alleged recovery is falsely planted upon applicant and no investigation is shown to have been carried out by IO as regards the source of procurement of two cloning machine allegedly recovered from the present applicant. It is further argued that no useful purpose shall be served by keeping him behind the Jail. It is , therefore, urged that the applicant/ accused may be released on bail.

Per contra, Id. Addl. PP opposed the bail application on behalf of State on the ground that the allegations against the applicant/ accused are grave and serious in nature. It is argued that present applicant cannot claimed parity as his role much more graver than co-accused Vinod has already been granted bail. It is further argued that investigation is still going on in this case and therefore, the bail application may be dismissed.



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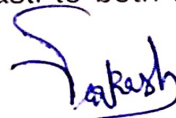
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In brief, it is alleged that the present applicant along with co-accused Vinod were apprehend by police officials of NDRS on the basis of suspicion and on checking of pithoo bags being carried by them, 15 stolen ATM cards were recovered from co-accused Vinod, whereas 26 stolen ATM cards and two cloning machines for making ATM cards, were recovered from the present applicant/ accused.

As per reply of IO, 02 out of aforesaid those 26 stolen ATM cards are found connected in e-FIR 747/19, u/s 379 IPC of PS Bhajanpura and e-FIR No.427/2020 u/s 379 IPC of PS Najafgarh. In this backdrop, Court agrees with the submission made on behalf of State that the role of this applicant is graver than co-accused Vinod and therefore, he cannot seek parity qua him. Investigation is shown to be at crucial stage.

After considering the overall facts and circumstances of this case, the role allegedly played by applicant/ accused, gravity of offences involved in this case and in the light of discussion made herein above, Court is of the view that no case is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1182/2020
FIR No.425/19
PS:Karol Bagh
U/s:307/385/120B/506(2)/201/34 IPC
& Sec. 25/27 Arms Act
State Vs. Bhanu Pratap

14.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Shri Narayan.
Sh. Varun Ahlawat, Advocate for applicant/ accused.

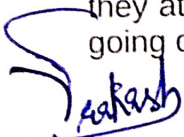
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in FIR, counsel of applicant/ accused has argued that the applicant is totally innocent and has been falsely implicated in this case; he is young boy aged 20 years and he is having clean antecedents. It is further argued that co-accused Ashok Kumar @ Bichua is already granted regular bail and the present applicant also deserves to be granted bail on the ground of parity. It is further argued that Section 307 IPC is not attracted in this case as firing was allegedly done towards door and wall and not against the complainant. It is further argued that the entire story of prosecution is based on falsehood and it is unbelievable that any accused would be having mobile phone inside the jail and he would give instructions to any person outside the jail to commit any such crime. It is further argued that present applicant has nothing to do with co-accused Mahesh @ Mannu or with any other co-accused and he is no more required for the purpose of investigation which is already completed. Therefore, he may be released on bail.

On the other hand, Ld. Addl. PP has opposed the bail application on the ground that the present applicant had played an active role in the commission of crime and was involved in the firing incident. It is further argued that the present applicant acted on the instructions of co-accused Mahesh @ Mannu by forcing the complainant to pay hefty amount to them, failing which, they attempted to commit his murder. It is further argued that investigation is still going on in this case. Therefore, the present bail application may be dismissed.

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In brief, it is alleged that complainant had constructed one building of real uncle of co-accused Mahesh @ Mannu and, that is why, the said co-accused was well aware of the fact that complainant is financially sound. For that reason, said co-accused made whatsapp call to the complainant on 26.11.2019 through unknown number and asked him to give Rs.50,000/- but complainant denied to pay the said amount. On 27.11.2019, said demand was again made through whatsapp call and the complainant was allegedly threatened to face the consequences for not paying money to them. It is alleged that on 28.11.2019, several rounds of bullets were fired at the house of the complainant through hired goons to extort money from complainant at the instance of co-accused Mahesh @ Mannu, who is inside the jail.

As per reply of IO, the analysis of CDRs revealed that present applicant was in touch with the said co-accused Mahesh @ Mannu. It is claimed that the present applicant was not only involved in the reeve of the house of the complainant but was also involved in the firing incident. The investigation is still going on in this case.

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences and the role allegedly played by present applicant, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.957/2020
FIR No.42/2020
PS:Prasad Nagar
U/s:394/34 IPC
State Vs. Hariya @ Hari Chand

14.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
SI Sanjay on behalf of IO.
Sh. Gajendra Chauhan, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Report dated 11.09.2020 of Jail Authority has been received, wherein it is mentioned that applicant/ accused was got review with his x-ray report at BSA Hospital on 05.09.2020 and he has been prescribed antibiotics for seven days.

However, Id. Counsel of applicant/ accused states at Bar that applicant is suffering severe stone problem and is under immense pain and suffering but his ultrasound is not being got conducted by the Jail Authority.

The report of jail authority is found to be completely silent on the aforesaid aspect. Accordingly, the concerned Jail Superintendent is directed to get the ultrasound of the relevant part of the body of applicant/ accused conducted as per medical advise in view of stone problem, if any complained by him and to provide proper medical treatment to the applicant as per medical advise and to submit his present medical condition report along with copy of ultrasound report before the Court on or before next date.

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

Put up on **22.09.2020** for arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1020/2020
FIR No.368/19
PS:Sarai Rohilla
U/s:498A/406/34 IPC
(1) Inder Prakash and (2) Satendri Devi Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vikas Tomar.
Sh. Ravinder S. Garia, Advocate for applicants/ accused persons.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

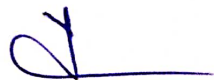
Additional reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Part submissions heard. During the course of submissions, counsel of applicants/ accused persons has submitted that both the applicants have already joined the investigation in terms of last order dated 28.08.2020, which facts is duly verified by the IO of the case. However, IO has informed the Court that complainant needs to be confronted with both these applicants on account of their contradictory version regarding dowry articles.

IO is directed to do the needful and to submit his report in this regard on the next date of hearing. He is also bound down for the next date.

Interim order to continue till next date of hearing.

Put up on **28.09.2020** for further arguments on the bail application.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.819/2020
FIR No.180/19
PS:Rajinder Nagar
U/s:498A/406/34 IPC
Krishna Sharma @ Krishna Devi Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vinod.
Complainant with Sh. Jaikush Hoon, Advocate.
Sh. Ashu Bhatia, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

At the very outset, Ld. Addl. PP has raised an objection as to the maintainability of the present bail application on the ground that bail application is not signed at all.

Ld. Counsel of applicant accused states at Bar that he has already filed fresh duly signed bail application before the filing counter. He, therefore, seeks permission to withdraw the present bail application, without prejudice to the right of applicant/ accused to pursue the subsequent bail application already filed by him.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1180/2020
FIR No.11/2020
PS:ODRS
U/s: 370 IPC
State Vs. Md. Manjur Alam

14.09.2020

This is an application u/s 439 Cr.PC for grant of regular bail moved on behalf of applicant /accused.

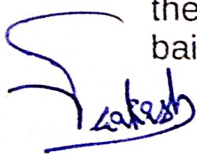
Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Sh. Akhilesh L Kmale, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case and he is in custody since **08.09.2020**. It is further argued that applicant is relative of the complainant and he has nothing to do with the alleged crime and is having clean antecedents. It is further argued that even the so called child allegedly rescued from the present applicant/ accused, is major and there is no incriminating evidence against the present applicant/ accused in this case. It is further argued that applicant is no more required for the purpose of investigation and no useful purpose shall be served by keeping him behind the Jail. In support of his submissions, reliance is also placed on the decision of **Sanjay Chandra Vs. CBI (2012) 1 SC 40** and **State of Kerala Vs. Raneef (2011) 1 SCC 784**. It is, therefore, urged that the applicant/ accused may be released on bail.



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On the other hand, Id. Addl.PP has opposed the bail application on the ground that the allegations against the applicant/ accused are grave and serious in nature. It is further argued that on the basis of complaint, raid was conducted and 14 children were rescued by the police and out of those children, one child was recovered from the possession of present applicant/ accused. It is further argued that investigation is still going on in this case. Therefore, the bail application may be dismissed.

In brief, it is alleged that on the basis of complaint received from Bachpan Bachao Andolan regarding trafficking of children through Mahanada Express Train, raiding team at PS ODRS was constituted and on arrival of said train at Delhi, 14 children were rescued from the possession of different persons. One minor child aged about 14 years old, was allegedly recovered from the possession of the present applicant/ accused.

It is informed that investigation regarding age inquiry of rescued child is still going on and the parents of child rescued from the present applicant/ accused, are yet to be examined in this case. Thus, release of present applicant on bail at this stage, may hamper the course of the investigation which is shown to be at crucial stage. Hence, Court is of the view that no ground is made out at this stage for grant of bail to the applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

FIR No.144/19
PS:Hauz Qazi
U/s:326 IPC
State Vs. Naimuddin

14.09.2020

This is 2nd application u/s 439 Cr.PC for extension of interim bail for a period of two months moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Anuj Kumar.
Complainant Hamid Khan.
Sh. Mohd. Saleem, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

The applicant/ accused is seeking extension of his interim bail for a further period of two months on the ground that he has already been granted interim bail by Sessions Court for a period of 45 days vide order dated 29.07.2020 passed by Sh. Lovleen, Id. PO MACT, Central THC, Delhi and his interim bail is required to be extended further atleast till 31.10.2020 in view of directions issued vide order dated 24.08.2020 by Hon'ble Delhi High Court in the matter of "COURT ON ITS OWN MOTION Vs. State & ANR."passed in WP (C) No. 3037/2020.

The relevant portion of the aforesaid order passed by three Judges Bench of Hon'ble High Court reads as under;

" xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

1. In view of the outbreak of COVID -19, the functioning of this Court is restricted only to urgent matters vide Notification No. 51/RG/DHC/dated 13.03.2020.

Such restricted functioning has been in place from 16.03.2020 and has been extended till 04.04.2020.



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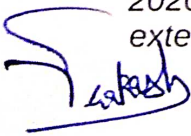
On 24.03.2020, the Government of India has issued order No. 40-3/2020-DM1(A) whereunder strong measures have been enforced to prevent the spread of COVID - 19 and a nationwide lockdown has been declared for a period of 21 days w.e.f. 25.03.2020.

In view of the lockdown in the State of Delhi and the extremely limited functioning of courts, routine matters have been adjourned en bloc to particular dates in the month of April. Thus advocates and litigants have not been in a position to appear in the said matters, including those where stay/ bails/paroles have been granted by this Court or the courts subordinate to this Court, on or before 16.03.2020. As a result, interim orders operating in favour of parties have expired or will expire on or after 16.03.2020.

Taking suo moto cognizance of the aforesaid extraordinary circumstances under Article 226 & 227 of the Constitution of India. It is hereby ordered that in all matters pending before this Court and courts subordinate to this court, wherein such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Needless to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised. xxxxxxxxxxxx"

2. Taking note of the extraordinary circumstances prevailing at that point of time and taking note of the direction of Hon'ble Administrative and General Supervision Committee of this Court issued from time to time regarding functioning of Delhi High Court and Courts subordinate to Delhi High Court, the direction contained in our order dt. 25 March, 2020 were further extended vide our orders dt. 15th May 2020, 15th June 2020, and 13th July 2020 and the latest extension is effective till 31st August 2020.



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3. Now taking note of the prevalent Covid 19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st August 2020.

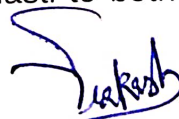
4. In view of the above, we hereby further extend the implementation of the direction contained in our orders dated 25th March 2020, 15th May 2020, 15th June and 13th July 2020 till 31st October 2020 with the same terms and conditions.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX"

After hearing the submissions made on behalf of both the sides and in view of the directions of Hon'ble Delhi High Court as reproduced herein above, the interim bail granted to applicant/ accused namely Naimuddin is extended till 31.10.2020 on same terms and conditions and on previous surety. With these directions, the present bail application stands disposed of.

Copy of this order be sent to Jail Superintendent on official mail for information.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1014/2020
FIR No.368/19
PS:Sarai Rohilla
U/s:498A/406/34 IPC
(1) Puneet and (2) Shalu Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vikas Tomar.
Sh. Ravinder S. Garia, Advocate for applicants/ accused persons.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

It is pointed out by Counsel of applicants/ accused persons that the present bail application has already been disposed of vide order dated 28.08.2020 by the Court of Sh.Lovleen, Id. PO-MACT-02, Central, THC, Delhi.

Said submission duly bourn out from the record. Hence, the present bail application has been wrongly listed for hearing before the Court today.

Concerned Official is warned to be careful in future. No further direction is called for.

File be consigned to record room in terms of order dated 28.08.2020.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.818/2020
FIR No.180/19
PS:Rajinder Nagar
U/s:498A/406/34 IPC
Rajeev Sharma Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants/accused persons.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Vinod.
Complainant with Sh. Jaikush Hoon, Advocate.
Sh. Ashu Bhatia, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

At the very outset, Ld. Addl. PP has raised an objection as to the maintainability of the present bail application on the ground that bail application is not signed at all.

Ld. Counsel of applicant accused states at Bar that he has already filed fresh duly signed bail application before the filing counter. He, therefore, seeks permission to withdraw the present bail application, without prejudice to the right of applicant/ accused to pursue the subsequent bail application already filed by him.

In view of above-said facts and circumstances, and the submissions made by counsel of applicant/ accused, the present application is dismissed as withdrawn.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.1181/2020
FIR No.157/2020
PS:Darya Ganj
U/s:420 IPC
Sameer Vs. State

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO /SI Sonal Raj.
Sh. Gulab Singh, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, Counsel of applicant has argued that the applicant is totally innocent and has been falsely implicated in this case. It is further argued that applicant is having clean antecedents; he has nothing to do with the alleged crime and there is no incriminating evidence whatsoever available on record against him. It is further argued that total sum of Rs.5200/- approximately was transferred in two transactions at his Paytm Wallet by some unknown person and on receipt of phone call of some stranger, applicant had transferred the said amount as per his direction under bonafide belief. It is further argued that applicant is not required for his custodial interrogation but he apprehends his arrest in this case, therefore, he may be protected.

Per contra, the bail application is strongly opposed by Ld. Addl. PP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is further argued that the present applicant was part of criminal conspiracy amongst the accused persons and they all are found to have duped 130 innocent victims by using modus operandi of asking to share OTPs of Credit cards/ Debit Cards from innocent persons and to withdraw considerable amount from their bank accounts. It is further argued that the investigation is going on in this case and custodial interrogation of applicant is required in order to unearth the entire conspiracy and to recover incriminating documents, if any lying in his possession. It is therefore, urged that the bail application may be dismissed.

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In brief, FIR in question came to be registered on the complaint of Sh. Vipin Bhatnagar, wherein he alleged that on 28.04.2020, he was duped by some persons who managed to obtain OTP from him and made withdrawal of Rs.1500/- and Rs. 3599.50/- from his credit card. During investigation, co-accused Pawan and Mohd. Zahid (who is brother of present applicant) were arrested and disclosed the names of co-accused persons as well as modus operandi which was used by them.

It is claimed that money withdrawn from the bank account of complainant was transferred to Paytm account of present applicant and thereafter, said money was transferred to the account of co-accused Pawan. The investigation carried out so far, has revealed that total 130 such transactions were made by Syndicate of accused persons to the Mobikwik Wallet which was registered on fake IDs and out of them, details of 78 victims has been collected so far. The investigation with regard to the remaining victims is statedly being conducted by IO. The entire syndicate of which present applicant was allegedly part of it, used to obtain data of credit cards of different banks and were using Sim numbers obtained on the basis of fake IDs and mobile wallets also got issued on fake IDs and used to allure customers by stating them that they had got some cash backs/ Insurance amount which would be refunded to them and used to obtain IVR and OTPs from them on said pretext.

After considering the overall facts and circumstances of this case, gravity of offences involved in this case and in the light of discussion made herein above, Court is of the view that it is not a fit case for grant of anticipatory bail to the applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020

Bail Application No.966/2020
FIR No.191/19
PS:Lahori Gate
U/s:498A/406 IPC
State Vs. Shweta Khetrapal

14.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI G.N.Tiwari is present.
Sh. Vishal Vimal, Advocate for complainant.
Sh. Manish Dua along with Sh. Deepak Sahney, Advocate for applicant/ accused.

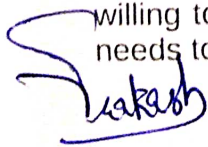
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Arguments on bail application heard. Reply perused.

At the very outset, Ld. Additional PP duly assisted by Counsel of complainant, has raised an objection as to the maintainability of second anticipatory bail application on the ground that since previous anticipatory bail application of this applicant has already been dismissed by Sessions Court in December, 2019.

Ld. counsel of applicant has been called upon to advance arguments on the issue of maintainability of second anticipatory bail application in the light of aforesaid submission made by Ld. Additional PP on behalf of State.

Ld. Counsel of applicant has argued that anticipatory bail application is very much maintainable under the law even after dismissal of previous anticipatory bail application on merits, however, in the event of change in facts and circumstances of the case. It is argued that in the present matter, the brother of present applicant was arrested by the IO when he went to join the investigation on 19.08.2020, which forms change in factual situation as the present applicant also apprehends her arrest in this case, in case, she would join the investigation on being asked by the IO. It is further argued that the applicant has already joined investigation in this case and she is married sister-in-law of complainant and is residing away at her matrimonial house and has nothing to do with the alleged offences. It is further argued that the applicant is ready and willing to join investigation but since she apprehends her arrest in this case, she needs to be protected under the law.



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It is further argued that it is the prerogative of applicant/ accused to invoke the jurisdiction of either Sessions Court or of High Court as provided in Section 438 Cr.PC in order to seek anticipatory bail and law does not prohibit the applicant/ accused to move second anticipatory bail application before Sessions court. In support of these submissions, counsel of applicant also placed reliance upon unreported decision in the case of "Shashi Goil & Anr. Vs. State in Bail Application No.791/2013, decided on 09.02.2016.

On the other hand, Id. Addl. PP and counsel of complainant argued that there is no change whatsoever in the facts and circumstances of the bail after dismissal of previous anticipatory bail of the present applicant. They further argued that unreported decision in the case Shashi Goil (supra) relied by Counsel of applicant/ accused, is entirely distinguishable from the facts of the present case and is not applicable herein.

The Full Bench of Hon'ble High Court in the matter titled as "**Maya Rani Guin & etc. Vs. State of West Bengal**" reported at **2003 Cr.L.J. 1**, has categorically held that entertaining a second application for anticipatory bail would amount to review or reconsideration of the earlier order passed by a Division Bench having Coordinate Jurisdiction, as the accusation remains unchanged. The accusation being the sine-qua-non and which remains the same there cannot be any revival of "*reasons to believe*" or apprehension of arrest, which was considered by Court in the earlier application for anticipatory bail. Thus, the second application for anticipatory bail, even if new circumstances develop after rejection or disposal of the earlier application, is not maintainable under the law.

Similar view has been taken by our own High Court in the matter titled as **Kamlesh Gupta & Anr. Vs The State (NCT of Delhi)** reported at **2007 (2) JCC 1407** and also in the matter titled as **Balbir Kumar & Ors. Vs. State** reported at **2006 (3) JCC 1338**.

Taking guidance from the law discussed in the aforementioned judgments, there is no scope of doubt that second anticipatory bail application is not maintainable after dismissal of similar previous anticipatory bail application on merits before Sessions Court.

The aforesaid authority cited by Counsel of applicant/ accused is entirely distinguishable from the facts and circumstance of the present case and is of no help to the case of the present applicant. In the cited decision, it is very much clear that there was material change in the facts and circumstances in view of repayment of the loan amount to the respective bankers by the Company of the petitioner.

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Moreover, the said petition was filed by petitioners by invoking the plenary power of Hon'ble High Court as provided in Section 482 Cr.PC, whereas Sessions Court does not have such power under the law. Further more, the present applicant has failed to show any change in facts and circumstances as far as she herself is concerned. Mere arrest of her brother (who is husband of complainant) does not constitute any change in facts and circumstances qua her.

In the light of above-said discussion, this Court is of the view that the present second anticipatory bail application moved by applicant namely Shweta Khetrapal, is not maintainable under the law. Consequently, same is hereby dismissed as not maintainable.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
14.09.2020