

**FIR No.19/20
PS Darya Gang
U/s 392/397/34 IPC
State Vs. Wasim**

28.07.2020

At 12:10 PM

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Mohd. Ilyas, Ld. Counsel for the applicant/ accused
Wasim.
IO SI Amit Sharma (No. D-3803 PS Darya Ganj) is present.

**Proceedings conducted through Video conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

It is reported by the Reader of this Court that the Filing-Section of Tis Hazari Courts has reported that the charge-sheet in the present FIR has already been filed, which is currently pending in the concerned court of Ms. Charu Aggarwal, Ld. ASJ, THC, Delhi. Ld. APP submits that this application may be decided by the concerned court only.

In these circumstances, the present bail application may be placed before the Ld. Court concerned for appropriate orders on 29.07.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**

**FIR No.107/2019
PS Karol Bagh
U/s 406/34 IPC
Abhay Gupta Vs State**

**28.07.2020
At 11:55 AM**

Fresh bail application u/s 438 Cr.PC filed. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Vikas Arora, Ld. Counsel for the applicant/ accused
Abhay Gupta.
IO SI Shree Narayan (No. D-5368 PS Karol Bagh) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

It is reported by the Reader of this Court that the Filing-Section of Tis Hazari Courts could not forward the application to the SHO concerned and therefore, reply/ response of the SHO concerned could not come on record today.

In these circumstances, matter stands adjourned for 29.07.2020. SHO concerned to file a reply to the present application on next date of hearing. A copy of this order be transmitted via electronic means/ whatsapp to the SHO concerned for information and compliance.

Be put up again on 29.07.2020. A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**

**FIR No. Not Known
PS Sarai Rohilla
U/s Not Known
State Vs. Deepak Kumar
State Vs. Kuldeep
State Vs. Manoj Kumar**

28.07.2020

At 12:00 Noon

These are three fresh bail applications U/s 438 CrPC moved on behalf of the applicant/ accused Deepak Kumar, Manoj Kumar and Kuldeep.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
None for the applicant/ accused.
IO ASI Kushal Pal (No. D-416/N PS Sarai Rohilla) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused is not present.

Naib Court submits that despite calling several times, Ld. Counsel for the applicant/ accused did not pick-up his telephone calls. It is further submitted that the link of the present meeting has already been shared with the Ld. Counsel for the applicant/ accused.

I am not inclined to dispose of these applications without hearing any arguments on behalf of the applicant/ accused. Hence, the present bail applications stand adjourned for 07.08.2020 for disposal.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)

At 1:10 pm.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Pranay Abhishek, Ld. Counsel for the applicant/ accused.
IO ASI Kushal Pal (No. D-416/N PS Sarai Rohilla) is present.

All these three bail applications have been taken up again through Video Conferencing by means of Webex Meet on the request of the Ld. Counsel for the applicants/ accused persons on the ground that he was held up in Video Conferencing in some other matter.

Report of IO has been transmitted to the Ld. Counsel for the applicants/ accused persons. Now, Ld. Counsel for the applicants/ accused persons submits that he wants to withdraw all these three bail applications moved on behalf of the said applicants/ accused persons

namely Deepak Kumar, Manoj Kumar and Kuldeep.

At request, all the present three bail applications stand dismissed as withdrawn.

The NDOH I.e 07/08/2020 given in the earlier proceedings stands cancelled.

Files be consigned to record room.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**

**FIR No.362/15
PS : Karol Bagh
U/S 419/420/467/468/34
IPC
State Vs. Sunil Kumar**

28.07.2020

At 12:18 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Ranvir Singh, Ld. Counsel for the applicant/ accused
Sunil Kumar.
IO SI Shree Narayan Ojha, PS Karol Bagh is present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued
by Ld. District & Sessions Judge (HQs), Delhi.

Report filed by SI Shree Narayan Ojha perused. Submissions
heard.

Be put up at 4:00 pm for orders.

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**

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FIR No.362/15
PS : Karol Bagh
U/S 419/420/467/468/34 IPC
State Vs. Sunil Kumar

28.07.2020
At 04:00 PM

**ORDER ON THE SECOND BAIL APPLICATION MOVED U/S 437 CrPC ON
BEHALF OF APPLICANT/ ACCUSED SUNIL KUMAR @ CHALLA**

Present : **Sh. Manoj Garg, Ld. Addl. PP for the State.
None for the applicant/ accused Sunil Kumar.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued
by Ld. District & Sessions Judge (HQs), Delhi.

Brief facts of the present case are that the present FIR was got
registered by the complainant, when he was informed that a cheque allegedly
issued by victim (complainant's sister) for a sum of Rs. 9,70,000/- was
presented for encashment, but since the Bank Officials got suspicious about the
genuineness of the signatures on the cheque, therefore, they thought it
appropriate to seek a confirmation from the complainant. The complainant
informed the Bank Officials that no such cheque was issued and in fact, the
original cheque-leaf was still available with the victim. It transpired subsequently
that another forged cheque for a sum of Rs. 9,72,000/- was also encashed on
23/12/2014 while the original cheque leaf was still available with victim, thereby

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causing loss to the victim. Since, it was apparent that the cheques was forged and fabricated, therefore, the complainant got the present FIR registered. Investigation was taken up and during investigation, the police discovered the involvement of a 'gang' which was encashing forged and fabricated cheques of unsuspecting people and thereby duping the said people as well as the banks. Police discovered the involvement of one Amit Singh Chauhan in this case, who, upon being interrogated, spilled out the beans. The said Amit Singh Chauhan disclosed about the involvement of Sunil Kumar @ Challa (applicant/ accused herein) and three other persons. Police claims that the said Amit Singh Chauhan, Sunil Kumar @ Challa (applicant/ accused herein) and one Sandeep Kaushik (not yet arrested) went to get the present cheque encashed from the concerned bank, but panicked and fled from the spot when the bank officials grew suspicious. The applicant/ accused Sunil Kumar @ Challa was subsequently, arrested in the present case. Charge-sheet has already been filed against the applicant/ accused. However, FSL result regarding the handwriting/ signatures is yet to be received. It has been further informed that no recovery could be effected in the present case.

Ld. Counsel for the applicant/ accused submits that there is no evidence available on record to hold even prima facie that the applicant/ accused Sunil Kumar @ Challa is involved in the commission of the present crime. Till date, the police is relying upon the disclosure statements made by

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co-accused or the applicant/ accused himself in order to prosecute the applicant/ accused Sunil Kumar @ Challa. It has been further submitted that charge-sheet has already been filed against the applicant/ accused and therefore, the presence of the applicant/ accused is no longer required for the purposes of investigation. Ld. Counsel for the applicant/ accused has further submitted that the applicant/ accused is ready and willing to face trial and shall not abscond. It has been further submitted that the applicant/ accused is languishing in judicial custody since 28.01.2020 and may be granted bail in view of the unabated spread of COVID-19 pandemic. Ld. Counsel for the applicant/ accused has further submitted that the co-accused Amit Singh Chauhan, who is facing identical allegations, has already been granted bail by the Hon'ble High Court of Delhi on 07.07.2020. A copy of said bail order passed by Hon'ble High Court of Delhi has also been placed on record.

On the other hand, Ld. APP for the State opposes the grant of bail to the applicant/ accused on the ground that the applicant/ accused is a member of 'gang' involving in duping the public at large as well as banks and admitting the applicant/ accused to bail shall endanger the society at large. However, Ld. APP admits that co-accused Amit Singh Chauhan was facing identical allegations as the applicant/accused.

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This Court has considered the rival submissions. Admittedly, the applicant/ accused Sunil Kumar @ Challa is languishing in judicial custody since 28.01.2020. Admittedly, Charge-sheet has already been filed against the applicant/ accused. Admittedly, co-accused Amit Singh Chauhan, whose role is similar to that of the applicant/ accused in the commission of the present offence, has already been granted bail by the Hon'ble High Court of Delhi on 07.07.2020. Without commenting on the merits of this case, it would be appropriate that the applicant/ accused Sunil Kumar @ Challa be also granted bail on the grounds of parity as also in view of growing COVID-19 pandemic.

As such, the applicant/ accused Sunil Kumar @ Challa is admitted to bail on furnishing a bail bond in a sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the concerned Jail Superintendent, subject to following conditions :-

- a) the applicant/ accused shall not do anything which may prejudice the trial or the prosecution's witnesses;
- b) the applicant/ accused shall not leave the country without taking prior permission from the Ld. Trial Court and he shall surrender his passport, if any, to the IO;
- c) the applicant/ accused shall also provide his as well as his surety's mobile number to the IO, which shall be kept active at all time. In case of change of residential address or the mobile phones, the same shall be duly communicated to the IO.

The bail application stands disposed of accordingly.

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**FIR No.362/15
PS : Karol Bagh**

A copy of this order be sent/ transmitted to the concerned Jail Superintendent for information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**

**FIR No.301/2020
PS Karol Bagh
U/s 376/506 IPC
State Vs. Karan**

28.07.2020

Present : Sh. Manoj Garg, Ld. Addl PP for the State.
Sh. Puja Kumar Singh, Ld. Counsel for the
applicant/accused Karan.
Ms. Hemlata, Ld. Counsel for the
complainant/victim alongwith victim. (Fresh
Vakalatnama filed on behalf of the
complainant/victim).
IO ASI Bimla (No. 2222/C) from PS Karol Bagh
is present.

**Proceedings conducted through Video
conferencing by means of Webex Meet.**

The present bail application has been taken up in
pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated
15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply filed by IO. Submissions Heard.

Briefly stated, the case of the prosecution, as per
FIR, is that the prosecutrix was subjected to forcible sexual inter-
course by the applicant/accused on 01/07/2020 at around 2.30
A.M and was also threatened by the applicant/accused not to
disclose the same to anyone. The present FIR was registered at

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the request of the prosecutrix on 09/07/2020, whereby a prayer has been made for taking strict action against the applicant/accused as per law.

Ld. Counsel for the applicant/accused submits that that the present case is nothing but a property dispute being given the colour of a criminal offence. Ld. Counsel for the applicant/accused submits that father of the applicant and mother of the prosecutrix are real siblings. The Ld. Counsel for the applicant/accused submits that the applicant/accused and prosecutrix are cousins. Ld. Counsel for the applicant/accused submits that a brother could not commit such a heinous crime against his sister. It is submitted by Ld. Counsel for the applicant/accused that the present FIR has been falsely registered on account of property dispute between the parents of the applicant/accused and victim. Ld. Counsel for the applicant/accused submits that there is a delay of more than one week before registration of FIR, which fact also demonstrates the

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falsity in the story of prosecutrix. It is further submitted that there is no medical evidence to corroborate the allegations levelled against the applicant/accused. It is further submitted that the applicant/accused is totally innocent and has been languishing in custody due to false allegations levelled by the prosecutrix. Ld. Counsel further submitted that it is impossible to assume that applicant/accused could commit crime in the presence of so many persons in and around the room where the offence was allegedly committed. He further submits that the prosecutrix continued to stay for another seven days in the same premises in which the offence allegedly took place, which factor makes the allegations doubtful. It is further submitted that no hue and cry was raised by the prosecutrix at the relevant time but reasons are yet to be explained by her. Ld. Counsel for the applicant/accused submits that prosecutrix might have revealed the true story at the time of recording of her statement u/s 164 CrPC. Ld. Counsel submits that story of prosecutrix may be perused and the applicant/accused may be granted bail as he is a young boy languishing in custody

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since 09/07/2020.

The Ld. Counsel for the prosecutrix has vehemently opposed the prayer for dismissal of bail. It is submitted that victim tried to wake up her Mama/Uncle (father of applicant/accused) at the relevant time but she was threatened by the applicant/accused. It is further submitted that the applicant/accused also threatened the prosecutrix that her sister shall face the same consequence in case she discloses the offence to anyone else. It is further submitted that prosecutrix was prevented by the applicant/accused and his relatives from lodging the present FIR. It is further submitted that the prosecutrix is in deep depression due to this offence. Ld. Addl. PP for the State opposes the prayer for grant of bail on the ground that allegations are grave and serious in nature.

This Court has considered the rival contentions of the parties.

The contents of the FIR are incriminating in nature. In the FIR, the allegations made are totally incriminating against

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the applicant/accused. However, the prosecutrix takes a complete u-turn before the Ld.MM concerned, who recorded her statement u/s 164 CrPC. In the said statement, recorded u/s 164 CrPC, the prosecutrix claims that the applicant/accused did not commit any offence against her at the relevant time. The Prosecutrix claims that her parents had an altercation with the parents of the applicant/accused on 08/07/2020 and thereafter she was misguided to register the present FIR against the applicant/accused.

Upon a query by this Court, it is submitted by the Ld. APP that the prosecutrix has changed her version before the Ld. MM (at the time of recording of statement u/s 164 CrPC) on account of threats extended to her and her family. Ld. Counsel for the applicant/accused rebuts the above submissions and reiterates that present FIR is the result of a property dispute and alleged allegations are totally false and fabricated.

Since there are two versions floating in the present case, accordingly, the undersigned has personally questioned the

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prosecutrix through video conferencing (in camera). The prosecutrix affirmed her allegations levelled in FIR and stated that she was forced to make a different statement made before the Court of Ld. MM u/s 164 CrPC on account of threats extended to herself and her family members.

In these facts and circumstances and in view of gravity of the allegations, this Court is not inclined to grant bail to the applicant/accused. The bail application stands dismissed.

A copy of this order be given dasti to the Ld. Counsel for the applicant/ accused. Copy be also sent to the Jail Superintendent concerned for information.

A copy of this order be also uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/28.07.2020 (K)**