

B. A. No. 3087
e-FIR No. 15411/2020
PS: Roop Nagar
State Vs. Shahzad @ Mulla

20.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Zia Afroz, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Shahzad @ Mulla in case e-FIR No. 15411/2020.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
20.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Shahzad @ Mulla in case e-FIR No. 15411/2020.


Ld. counsel for accused-applicant has contended that accused has been falsely implicated in the present case. That accused-applicant is

innocent and has nothing to do with the present offence. That accused-applicant has clean antecedents and is the sole bread earner for his family. That previous bail application of accused-applicant as dismissed by Ld. MM on 08.10.2020. That investigation is already complete and that accused-applicant is in JC since 20.09.2020.

Ld. Addl. PP for state has submitted that accused-applicant was apprehended with stolen motorcycle while picket checking. That accused-applicant was using stolen motorcycle for his personal use. That investigation is complete and recovery has been effected. That accused-applicant does not have clean antecedents and is involved in other cases for commission of offences of similar nature.

I have gone through the reply and seen the previous involvement report. The copy of the previous involvement report filed in court is illegible. IO is directed to file better copy of the previous involvement report and also clarify as to following his apprehension in the course of police checking on the basis of disclosure recorded besides the present E-FIR how many stolen vehicles were allegedly recovered from the E-FIRs and other FIR's that he is shown to be involved and as to whether he has been previously convicted in any such case.

For report and consideration put up on 27.10.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
20.10.2020

B. A. No. 3081
FIR No. 395/2020
PS: Civil Lines
State Vs. Akash
U/s 392/394/34 IPC

20.10.2020

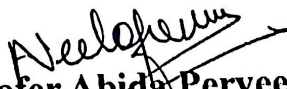
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Monish Ahmed, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Akash in case FIR No.395/2020.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
20.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Akash in case FIR No.395/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant is in JC since 22.09.2020. That previous two bail



applications of the accused-applicant have been rejected on 03.10.2020 and 15.10.2020 filed before the Ld. MM. That nothing incriminating has been recovered from the possession of the accused and he has been falsely implicated in the present case. That accused-applicant has clean antecedents and is implicated in this case on mere disclosure of the co-accused. That all recoveries stand effected and the custody of the accused-applicant is not required for the purposes of investigation.

Ld. APP submits that the present FIR came to be registered on the complaint of Vijay Kumar on the allegations that on 23.09.2020, he along with his friend Ajay Kumar had gone for delivery of ordered articles at H. No-33, Majnu Ka 'Tila when four persons had robbed them of their money and fled away from the spot. The during investigation, accused-applicant Akash, co-accused Manish and Bharat were arrested at the instance of the complainant and robbed amount was recovered from the possession of co-accused Bharat. That on the statement of the complainant offence under section 394 IPC is also included. That investigation qua the accused-applicant is complete and no recovery is alleged against him.

Heard.


The present FIR came to be registered on the complaint of Vijay Kumar on the allegations that on 23.09.2020, he along with his friend Ajay Kumar had gone for delivery of ordered articles at H. No. O-33, Majnu Ka Tila when four persons had robbed them of their money and fled away from the spot. During investigation, accused Akash, Manish and Bharat were arrested at the instance of the complainant and robbed amount

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is shown to have been recovered from possession of co- accused Bharat who has now been granted regular bail. On a query of the Court Ld APP clarified that the offence under section 394 IPC is added only on the basis of the statement of the complainant, there is no MLC, and no injury sustained as such, the accused four in number are alleged to have given slaps, it is also not specified as to which of the four accused had given slaps. It is not clarified by the prosecution as to which of the four accused apprehended in this case had given slaps to the complainant in the course of the incident. The accused-applicant has clean antecedents, though the investigation is going on however so far as the present accused is concerned the investigation qua him is stated to be complete, and there are not any recoveries alleged against him nor remain to be effected at his instance. In such facts and circumstances the present application is allowed and accused Ankush in case FIR No.395/2020 is granted regular bail subject to his furnishing personal bond with two sureties in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and upon the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bond without prior intimation to the IO. He shall also keep the said mobile, phone number son switched on mode at all times with location activated and shared with the IO. Sureties shall also

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intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds. Application is disposed of accordingly.


(Neelofar Ahida Perveen)
ASJ (Central)THC/Delhi
20.10.2020

B. A. No. 2929
FIR No. 010024/2019
PS: Burari
State Vs. Aftab
U/s 379/411 IPC

20.10.2020

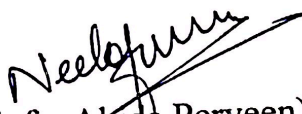
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Sajid Ahmed, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Aftab in case FIR No.010024/2020.

Arguments heard. For orders, put up at 4 pm

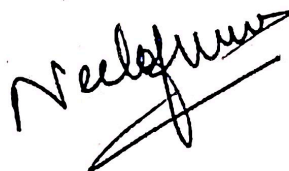

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
20.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Aftab in case FIR No.010024/2020.

Ld. counsel for accused-applicant has contended that accused has been falsely implicated in the present case. That accused-applicant is innocent and nothing to do with the present offence. That accused-applicant has clean antecedents. That previous bail application of accused-



applicant as dismissed by Ld. MM on 26.09.2020. That investigation is already completed. That accused-applicant is in JC since 15.09.2020.

Ld. Addl. PP for state submitted that accused-applicant was apprehended with stolen motorcycle while picket checking. That accused-applicant was using stolen motorcycle for his personal use. That investigation is complete and recovery has been effected.


Heard.

Case of the prosecution is that on 20.03.2019 Sh. Kunwar Singh registered an e-FIR in respect of theft of his motorcycle bearing no. UP79L2413 and on 15.09.2020 accused-applicant was apprehended with the stolen motorcycle bearing no. UP79L2413 during picket checking from his residential address. There is no previous involvement alleged against the accused-applicant after his apprehension with the stolen motorcycle on the basis of his disclosure recorded while in custody three other stolen motorcycles have been alleged to have been recovered though. The investigation is stated to be complete and custody of the accused-applicant is not claimed further for the purposes of investigation.

Taking into consideration the nature of the allegations and as no previous involvement is being alleged against him, and as the investigation is now complete, no purpose is to be served by keeping the accused-applicant in custody any longer, hence the present application is allowed and accused Aftab is granted regular bail in case FIR No.010024/2020 subject to his furnishing personal bond with two sureties in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and upon



the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bond without prior intimation to the IO. He shall also keep the said mobile, phone number son switched on mode at all times with location activated and shared with the IO. Sureties shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds. Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
20.10.2020

FIR No. 131/2018
PS: Hauz Qazi
State Vs. Dolly Chaudhary
U/s 364/365/302/201/120B/34 IPC

20.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused Dolly Chaudhary in case FIR No. 131/2018 invoking the guideline issued by the High Powered Committee of H'ble the High Court of Delhi.

Ld. Counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That it is alleged against the accused applicant that she fixed meeting with Sushil Kumar on 11.08.2018 at Mathura and she stayed with co-accused Manish Kumar at Mathura till the afternoon of 11.08.2018 and in the evening, she met Sushil Kumar, they checked into hotel Varun Residency at 11 pm and after sometime she ordered two soft drinks and a veg biryani and when Sushil Kumar was in toilet, she mixed 50 sleeping pills in his soft drink who became unconscious upon consuming the same and then she called her co-accused Manish and both of them took Sushil on a scooty and threw him in Yamuna river from the Old Yamuna Bridge, Laxmi Nagar, Mathura. That the prosecution has weaved an imaginary story with no evidence worth credence in support thereof. That the co-accused has already been

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granted bail. That the accused applicant is languishing in jail for the last almost two years. That accused-applicant has clean antecedents. That co-accused Manish has already been granted bail from the Hon'ble High Court of Delhi vide order dated 23.05.2019 passed in B. A. No. 1039/2019 and case of the accused-applicant is on the similar footing. That accused-applicant is in custody since 31.08.2018. That now the investigation is complete and chargesheet is filed and trial is likely to take some time. That the accused has deep roots in the society and there is no likelihood of her absconding. That accused-applicant may be granted benefit of directions of Hon'ble High Court in W. P. (C) NO. 2945/2020 titled as Shobha Gupta & Ors. v. UOI & Ors. and Hon'ble Supreme Court in Suo Moto W. P. (C) No. 1/2020

Ld. Addl. PP, on the other hand, submits that though case of the prosecution is based upon circumstantial evidence and the dead body has not been recovered which has been disposed of by the accused-applicant in conspiracy with the co-accused, however the prosecution has credible evidence and ample material to secure the conviction of the accused applicant. That the accused applicant in pursuance to a well calculated conspiracy had first called the deceased who was her lover to Mathura using a mobile phone number secured on a fake identity and thereafter committed the heinous offence in complicity with the co-accused. There are several public witnesses to be examined in prosecution evidence, including the last seen together witness. The prosecution also relies upon CDR Details and location Chart. That the accused- applicant if

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released on bail may tamper with the evidence. That the accused-applicant is not entitled to the benefit under any of the guidelines as the said benefit could have been availed by the accused-applicant till 30.9.2020 alone and not thereafter as per minutes of meeting of the Committee dated 30.8.2020.

Arguments heard. Record perused.

Allegation against accused-applicant is that she was in relationship with deceased Sushil Kumar and had called the deceased at hotel Varun Regency, Mathura in furtherance of a criminal conspiracy entered into between the accused applicant and co-accused Manish Chaudhary, her paramour, where she had administered 50 sleeping pills to Sushil Kumar with the intention to kill him and thereafter she alongwith the co-accused Manish Chaudhary had taken Sushil Kumar on the scooty of the applicant-accused along the banks of Yamuna river and had thrown him into the yamuna river to cause disappearance of evidence of commission of murder of Sushil Kumar. There are no eye witnesses and the entire evidence at the disposal of the prosecution is circumstantial in nature. However, that does not take away in any manner from the barbarity and gravity of the offence. There is no parity between the case of the accused-applicant and co-accused Manish Chaudhary, who has been granted bail by Hon'ble the High Court of Delhi as the deceased is lured into the trap by the accused-applicant who made the call asking him to come to Varun Regency, Mathura, UP and it is the accused-applicant who is alleged to have administered sleeping pills to the deceased before throwing him in the yamuna river alongwith the co-accused. Prosecution

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has statements of witnesses who sold sleeping pills to the accused applicants and employees of the hotel where the accused had arranged their stay and CDR details.


The accused-applicant seeks interim bail invoking the directions issued by Hon'ble High Court in W. P. (C) NO. 2945/2020 titled as Shobha Gupta & Ors. v. UOI & Ors. and Hon'ble Supreme Court in Suo Moto W. P. (C) No. 1/2020. It emerges that in pursuance to the directions embodied in the writ petitions referred supra, a High Powered Committee of H'ble the High Court of Delhi was constituted to suggest ways and means for the effective implementation of the directions so passed in the above referred writ petitions and in its sverreak meetings from time tio time the High Powered Committee so constiutted issued guidelines for the release of UTP's on interim bail of 45 days in order to decongest the prisons in Delhi and UTP's involved in criminal cases for offences under section 302 were also extended the benefit vide minutes of meeting dated 18.5.2020 in cases where the period undergone was above two years provided their conduct during custody was satisfactory and were not involved in multiple cases. Vide minutes of meeting dated 30.8.2020, the H'ble Committee has resolved as follows:

It is however, clarified that all the UTP's falling in any of the criteria adopted by this Committee in its earlier meetings is at liberty till 30th September, 2020 to move appropriate applications seeking interim bail for the period of 45 days either through their

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private counsels or through the panel lawyers of Delhi State Legal Services Authority. The applications for interim bail of such UTP's for being considered should be accompanied with a certificate of good conduct during their respective custody period from the Jail Superintendent.

The appropriate applications by the UTP's seeking benefit of the guidelines is therefore to be filed on or before 30.9.2020 and not thereafter. The present application seeking the benefit under the guidelines is filed on 16.10.2020, and hence the benefit of the directions and the guideline is no longer available to the accused-applicant. No other ground is raised for grant of interim bail. in view thereof the present application stands dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi

20.10.2020

B. A. No. 3075
FIR No. 004826/2017
PS: Roop Nagar
State Vs. Prem Pal
U/s 379/411 IPC

20.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Pranay Abhishek, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is fourth application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Prempal in case FIR No.04823/2020.

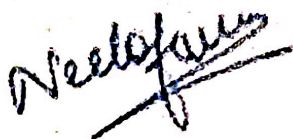
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
20.10.2020

At 4 pm
ORDER

This is fourth application under Section 439 CrPC for grant of bail on behalf of accused-applicant Prempal in case FIR No.04823/2020.

Ld. counsel for the accused-applicant contended that accused-applicant has been falsely implicated in the present case. That accused is in custody since 23.09.2020. That nothing incriminating has been recovered from the possession of the accused-applicant. That investigation



is complete and accused is no longer required for the purpose of investigation. That accused-applicant has also been falsely implicated in three more criminal cases in which has already been granted bail. Ld. counsel has relied upon decision in **Sanjay Chandra v. CBI (2012) ISCC 40** and State of **Rajasthan v. Balchand @ Balia**. That first bail application of the accused-applicant was withdrawn on 08.10.2020, second and third bail applications were dismissed as withdrawn on 16.10.2020 & 19.10.2020 respectively. That the accused-applicant is being falsely implicate din criminal cases by the police and that the list is annexed which shows that he has been acquitted in all such cases except for the ones has now been implicated only on the basis of his false disclosure recorded.

Ld. Addl. PP, on the other had, submitted that accused-applicant does not have clean antecedents and is involved in number of other criminal cases besides the present case FIR. That as per report of the IO, previous bail application of the accused-applicant was dismissed on 29.09.2020 and 05.10.2020.

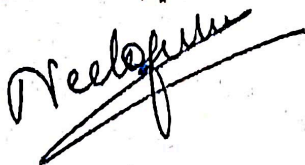
Heard.

Case of the prosecution is that on 16.02.2017, complainant Sunil Gupta lodged an online e-FIR regarding theft of his bullet motorcycle no. DL56-SAV7849. During investigation, on 24.09.2020 HC Pradeep of ATS received secret information that accused-applicant Prempal has been arrested and from his possession abovementioned stolen bullet motorcycle was recovered. During interrogation accused-applicant

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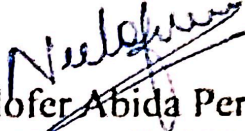
disclosed that he had stolen the bullet motorcycle three and a half years back and since then has been using the same for his personal use.

The accused-applicant is connected to an E- FIR registered three years ago founded on the recovery of stolen motorcycle effected on the basis of a secret information. So far as the list of previous involvement is concerned the Ld. Counsel for the accused-applicant has also drawn the attention of the Court to the status as filed with the application, which shows multiple involvements in Excise cases wherein he has been acquitted in all such cases. There is no previous conviction alleged despite the long list relied upon by the prosecution. Investigation is now complete and chargesheet is filed, the further custody of the accused-aplicant is not required nay longe rfrot he purpose sof investigation, trial will take some tome to conclude. In such facts and circumstances and upon such considerations therefore, the present applicacion si allowed and and accused Prempal is granted regular bail in case FIR No.04823/2020 subject to his furnishing personal bond with two sureties in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM, and upon the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper evidence or interfere with the trial in any manner whatsoever. He shall not change his address or mobile phone number mentioned in the personal bond without prior intimation to the IO. He shall also keep the said mobile, phone number son switched on mode at



all times with location activated and shared with the IO. Sureties shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds.

Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
20.10.2020