

**IN THE COURT OF SH. POORAN CHAND, ASJ-02
(WEST), TIS HAZARI COURTS : DELHI**

**FIR No. 38/2020
PS : Anand Parbat
State Vs. Pawan Kumar
U/s 341/354(B)/509/34 IPC**

22.08.2020

Through Video Conferencing

The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

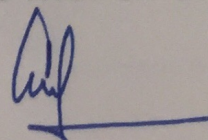
This is the application u/s 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant Pawan Kumar.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State.
IO WASI Kaushalya alongwith victim.
Sh. Nityanand Singh, Ld Counsel for the
applicant/accused through V.C.

Reply to the application filed.

I have heard arguments from both the sides and perused the reply.

It is argued on behalf of applicant that he is an innocent and a law abiding citizen. It is further argued that father of complainant in the present FIR namely Israr Ahmed had done unnatural sex with the son of Chhote Lal, who is one of the accused in the present FIR, in the month of

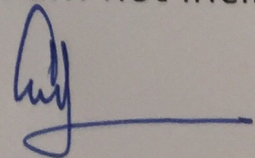


December, 2019 for which FIR No. 21/2019 U/s 506/377 IPC and section 6 of POCSO Act was lodged against father of complainant. It is further argued that after the said FIR against Israr Ahmed, his relatives had entered illegally in the premises of Chhote Lal, molested his wife and also caused hurt to wife of Chhotey Lal for which another FIR No. 39/2020 was lodged on the complaint of wife of Chhote Lal U/s 452, 506, 509 IPC at PS Anand Parbat. It is also argued that the applicant being the neighbour of Chhote Lal had advised him to approach the police and file complaint against Israr Ahmed. Because of this reason, the applicant has been falsely implicated in the present case on the basis of false and frivolous allegations. Applicant is apprehending his arrest and he may be granted anticipatory bail.

Per contra, Ld. State Counsel has argued that the allegations against applicant are serious in nature. It is submitted that there are allegations that applicant alongwith co-accused Chhote Lal and Shiv Kumar of molestation and using abusive language. It is further argued that victim in her statement u/s 164 Cr.P.C has supported the allegations made in the complaint. It is further submitted that applicant Pawan is evading his arrest.

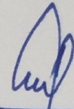
I have considered rival submissions.

Considering the facts and circumstances of the case and the serious allegations against the applicant and that his custodial interrogation is required, I am not inclined



to grant anticipatory bail to the applicant. Application is accordingly dismissed.

Copy of this order be given dasti.



(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

**FIR No. 38/2020
PS : Anand Parbat
State Vs. Chhote Lal
U/s 341/354(B)/509/34 IPC**

22.08.2020

Through Video Conferencing

The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

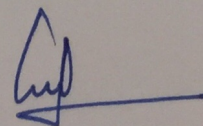
This is the application u/s 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Chhote Lal.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State.
IO WASI Kaushalya alongwith victim.
Sh. Nityanand Singh, Ld Counsel for the
applicant/accused through V.C.

Reply to the application filed.

I have heard arguments from both the sides and perused the reply.

It is argued on behalf of applicant that he is an innocent and a law abiding citizen. It is further argued that applicant is in J.C since 15.07.2020. It is argued that father of complainant in the present FIR namely Israr Ahmed had done unnatural sex with the son of the applicant in the month of December, 2019 for which FIR No. 21/2019 U/s 506/377 IPC and section 6 of POCSO Act was lodged against father of



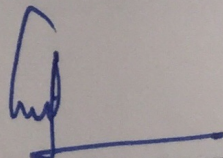
complainant. It is further argued that after the said FIR against Israr Ahmed, his relatives had entered illegally in the premises of applicant, molested his wife and also caused hurt to his wife for which offences, another FIR No. 39/2020 was lodged on the complaint of wife of applicant U/s 452, 506, 509 IPC at PS Anand Parbat. It is also argued that after the said FIR, as a counter blast, the present false FIR was got lodged against the applicant in order to bring him under pressure so as to settle the FIR No. 21/2019 lodged against the father of the applicant.

Per contra, Ld. State Counsel has argued that the allegations against the applicant are serious in nature. It is submitted that there are allegations that applicant alongwith co-accused Pawan Kumar and Shiv Kumar of molestation and using abusive language against the victim. It is further argued that victim in her statement u/s 164 Cr.P.C has supported the allegations made in the complaint.

I have considered rival submissions.

Considering the facts and circumstances of the case and the serious allegations against the applicant and that matter is at the initial stage of investigation, I am not inclined to grant bail to the applicant. Application is accordingly dismissed.

Copy of this order be given dasti.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

FIR No.175/20

State Vs. Shyam Sunder Aggarwal

PS : Anand Parbat

u/s. 294/506/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application for cancellation of bail application of accused Arjun and Bhupinder @ Bheem.

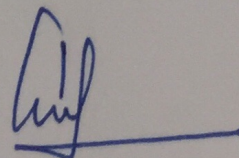
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Ankur Aggarwal, Ld. Counsel for applicant/complainant -S.S. Aggarwal.
Sh. Sanjay, Ld. Counsel for both accused persons namely Arjun & Bhupinder @ Bheem.
IO/ASI Bhupender Singh.

Fresh vakalatnama filed on behalf of both accused persons.

This is an application for cancellation of bail of both the respondents/accused persons which was granted by IO as offence under which the present FIR was registered was bailable one. Now present application is filed for cancellation of bail on the ground of threat and attack by the accused persons.

At this stage, Ld. Counsel for both accused persons seeks to

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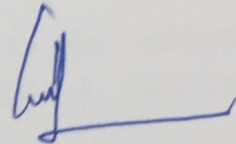


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supply copy of application alongwith all documents and sought 2-3 days time to file the reply.

At this stage, copy of application and documents supplied to Ld. Counsel for accused persons.

Put up for filing of reply and arguments on this bail application on 24.08.2020.



(POORAN CHAND)

ASJ-02/West/Delhi

22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

Bail application no. 1028 and 1050

FIR No.166/2020

State Vs. 1. Praveen Kumar, 2. Munni Devi

PS :Ranhola

u/s. 304B/498A/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused persons/applicants - Praveen Kumar & Munni Devi.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Jaspreet Singh, Ld. Counsel for applicants/accused persons.

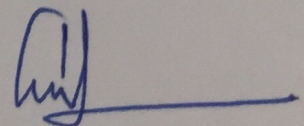
TCR received.

Part arguments heard.

During the course of arguments Ld. Counsel for applicants/accused persons filed copy of dowry articles which were alleged to be returned to the parents of the deceased after the incident i.e. 11.06.2020. This document was not available with the Counsel at the time of filing of the present bail application, that is why the same could not be made part of the bail application.

At this stage, Ld. State Counsel submits that on this document of

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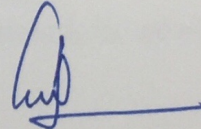
return of dowry articles, supplementary report may be called through IO whether these articles have been returned to deceased family or not and what more articles remained with the accused family.

This court is in agreement of the submissions made by Ld. State Counsel. Supplementary report be called on the list filed today and notice be issued to SHO and copy of this list of articles be annexed alongwith the notice to file reply.

Put up for filing of reply and hearing on this bail application on 05.09.2020.

In the meantime, TCR be returned back and be called again before next date.

Interim order to continue till next date.



(POORAN CHAND)

ASJ-02/West/Delhi

22.08.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI

Bail application no. 1559

FIR No.166/2020

State Vs. Dherender Singh @ Dheerender Kumar

PS :Ranhola

u/s. 304B/498A/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Dherender Singh @ Dheerender Kumar.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Jaspreet Singh, Ld. Counsel for applicant/accused.

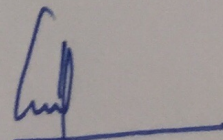
TCR received.

Part arguments heard.

During the course of arguments Ld. Counsel for applicant/accused filed copy of dowry articles which were alleged to be returned to the parents of the deceased after the incident i.e. 11.06.2020. This document was not available with the Counsel at the time of filing of the present bail application, that is why the same could not be made part of the bail application.

At this stage, Ld. State Counsel submits that on this document of return of dowry articles, supplementary report may be called through IO

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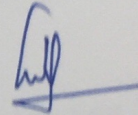


whether these articles have been returned to deceased family or not and what more articles remained with the accused family.

This court is in agreement of the submissions made by Ld. State Counsel. Supplementary report be called on the list filed today and notice be issued to SHO and copy of this list of articles be annexed alongwith the notice to file reply.

Put up for filing of reply and hearing on this bail application on 05.09.2020.

In the meantime, TCR be returned back and be called again before next date.



(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

FIR No.395/2020

State Vs. Kuldeep, Parmila and Santro Devi

PS : Mundka

u/s. 354/354B/509/324/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused persons/applicants Kuldeep, Parmila and Santro Devi.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Devender Kumar, Ld. Counsel for applicants/accused persons.
Reply filed by IO. Copy supplied.

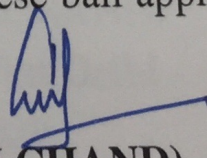
At the outset, Ld. State Counsel submits that in this case offence u/s.354/354B/509/324/34 IPC are mentioned and as per mandate of law, presence of complainant/victim is must for giving audience.

Ld. Counsel for applicants/accused persons has not objection if the notice be issued to complainant/victim.

Let the notice be issued to the complainant/victim through IO to appear either in person or through counsel duly authorised on next date.

Put up for purpose fixed and hearing of these bail applications on

28.08.2020.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

Bail application no. 1675

FIR No. Not known

State Vs. Rakesh

PS : Nihal Vihar

u/s. Not known

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

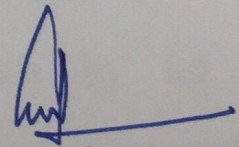
**Proceedings of this matter has been conducted through Video
Conferencing**

This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Pankaj Verma, Ld. Counsel for applicant/accused.

Reply not filed by IO. Let notice be issued to the SHO with the direction to file reply to the bail application on or before next date.

Put up for filing of reply, appearance of IO and hearing of this bail application on 28.08.2020.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI

FIR No. Not known
State Vs. Ajay Daulat
PS : Nihal Vihar
u/s. Not known

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

Proceedings of this matter has been conducted through Video Conferencing

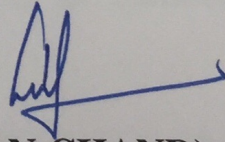
This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Jia Afroz, Ld. Counsel for applicant/accused.

Reply filed. Copy of reply sent to Ld. Counsel for applicant/accused through whatsapp.

In view of the reply, Ld. Counsel submits that the present anticipatory bail application may be dismissed as withdrawn.

In view of the submissions made by Ld. Counsel for applicant/accused, the present bail application is dismissed as withdrawn.


(POORAN CHAND)

ASJ-02/West/Delhi

22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

FIR No.386/20

State Vs.Shahzad

PS : Mundka

u/s. 307/34 IPC & 25/27 Arms Act

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

Proceedings of this matter has been conducted through Video Conferencing

This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Ankit Rai, Ld. Counsel for applicant/accused.

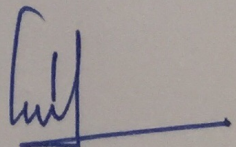
Part arguments heard.

IO filed verification report stating that as per birth certificate collected by him from Birth and Death Department of MCD, the date of birth of accused is 01.04.2003 and stated that at the time of committing offence accused was juvenile.

Perusal of death certificate shows that date of birth of accused is 28.08.2002 and 01.04.2003 is date of registration as mentioned on birth certificate.

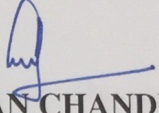
Let IO be called for next date for clarifications on this aspect.

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At this stage, as requested by Ld. Counsel for accused reply of the IO as well as death certificate and other documents be sent to him on his whatsapp so that he may address the court on this aspect.

At the request of Ld. Counsel, put up for hearing of this bail application on 24.08.2020.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI

FIR No.78/20

State Vs.Kuldeep

PS : Ranhola

u/s. 364A/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 439 Cr.P.C. for grant of interim bail moved on behalf of accused/applicant.

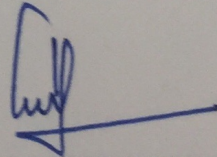
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Nagender Singh, Ld. Counsel for applicant/accused.

Vide previous order TCR was summoned. But as per report of Ahlmad of the concerned court, he sought sometime to trace the file as the same is not traceable as this moment.

Let TCR be called for next date.

Ahlmad of the concerned court is directed to trace the file and send the same to this court before next date of hearing.

Put up for TCR and hearing of this bail application on 01.09.2020.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

FIR No.154/16
State Vs. Vinod@ Vinay
PS : Punjabi Bagh
u/s. 302/34 IPC

22.08.2020

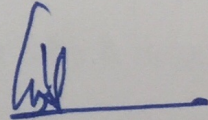
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Binay Kumar Pandey and Sh. Umesh Kumar Choubey,
Ld. Counsel for applicant/accused.

Previous involvement report received from Police Station, Punjabi Bagh. Same is taken on record. Copy supplied to Ld. Counsel for applicant/accused.

At this stage, Ld. Counsel for applicant/accused seeks to withdraw the present application.

In view of the submissions made by Ld. Counsel for applicant/accused, the present bail application is dismissed as withdrawn.

Copy of this order be given dasti, as prayed.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

Bail application no. 1028 and 1050

FIR No.166/2020

State Vs. 1. Praveen Kumar, 2. Munni Devi

PS :Ranhola

u/s. 304B/498A/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused persons/applicants - Praveen Kumar & Munni Devi.

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Jaspreet Singh, Ld. Counsel for applicants/accused persons.

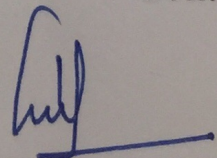
TCR received.

Part arguments heard.

During the course of arguments Ld. Counsel for applicants/accused persons filed copy of dowry articles which were alleged to be returned to the parents of the deceased after the incident i.e. 11.06.2020. This document was not available with the Counsel at the time of filing of the present bail application, that is why the same could not be made part of the bail application.

At this stage, Ld. State Counsel submits that on this document of

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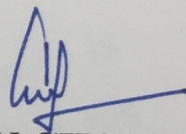
return of dowry articles, supplementary report may be called through IO whether these articles have been returned to deceased family or not and what more articles remained with the accused family.

This court is in agreement of the submissions made by Ld. State Counsel. Supplementary report be called on the list filed today and notice be issued to SHO and copy of this list of articles be annexed alongwith the notice to file reply.

Put up for filing of reply and hearing on this bail application on 05.09.2020.

In the meantime, TCR be returned back and be called again before next date.

Interim order to continue till next date.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02
(WEST), TIS HAZARI COURTS : DELHI**

FIR No. 102/2019

PS : Mundka

State Vs. Vishal

**U/s 365/506/395/397/411/420/468/471/482 IPC &
25/54/59 Arms Act**

22.08.2020

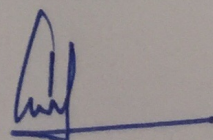
This is the application u/s 439 Cr.P.C. for grant of interim bail for two months moved on behalf of accused/applicant Vishal.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State
Sh. N.S. Malik, Ld Counsel for the
applicant/accused.

I have heard arguments on bail application from both the sides.

By way of present application, applicant is seeking interim bail of two months on the ground that his father has met with an accident and lying on bed and presence of applicant is required to take care of his father. It is also argued that nothing has been recovered from the applicant and the main accused has been granted interim bail of two months.

Per contra, Ld. State Counsel submits that as per previous involvement report filed by the IO, applicant has been involved in 03 other criminal cases including that of

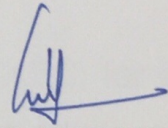


murder. It is further argued that in case the applicant is released on interim bail, there is every possibility that he may threaten the witnesses. Therefore, it is prayed that he may not be granted interim bail.

I have considered rival submissions.

Considering the facts and circumstances of the case, his involvement in other criminal cases, I am not inclined to grant interim bail to the applicant. Application is accordingly dismissed.

Copy of the order be given dasti.



(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02
(WEST), TIS HAZARI COURTS : DELHI**

FIR No. 817/2020

PS : Nihal Vihar

State Vs. Dharmender @ Dharma

U/s 33 Delhi Excise Act

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

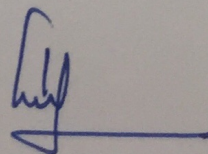
This is the application u/s 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Dharmender @ Dharma.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State
Sh. Manish Kumar, Ld Counsel for the
applicant/accused.

Reply to the bail application received.

I have heard arguments on the bail application from both the sides and perused the reply.

It is argued that applicant is in J.C since 10.08.2020. It is further argued that applicant is innocent and has been falsely implicated in the present case by planting the illicit liquor upon him. It is further argued that



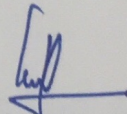
applicant has no previous involvement in any other case. It is further argued that accused is not required for any further investigation and no purpose would be served in keeping the accused behind bar. It is therefore, prayed that applicant may be granted bail.

Per contra, Ld. State Counsel has opposed the bail application on the ground that applicant was caught with illicit liquor on 09.08.2020 with 90 quarter bottles. It is also argued that applicant is involved in two other cases of similar nature.

I have considered rival submissions.

Considering the facts and circumstances of the case and the fact that recovery has already been effected and applicant is no more required for any custodial interrogation, the applicant is granted bail subject to furnishing of personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the concurring/Duty MM. Application stands disposed off.

Dasti copy be given.


(POORAN CHAND)
ASJ-02/West/Delhi

22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02
(WEST), TIS HAZARI COURTS : DELHI**

**FIR No. 193/2020
PS : Anand Parbat
State Vs. Laxman
U/s 308 IPC**

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is the application u/s 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant Laxman.

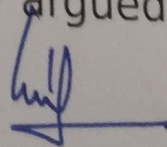
Present : Sh. Rajat Kalra, Ld. Addl. PP for State.
Sh. Munish Chhoker, Ld Counsel for the
applicant/accused.

Reply to the application as well as reply to show cause notice filed. Copy supplied.

In view of the reply, show cause notice stands discharged.

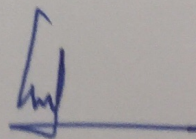
I have heard arguments from both the sides and perused the reply.

It is argued on behalf of applicant that he is an innocent and a law abiding citizen. It is further argued that



applicant had a minor altercation with the complainant over parking. It is further argued that the injuries sustained by the complainant was because of fall and not caused by the applicant. It is further argued that upon the receipt of complaint, HC Jai Ram Meena called the applicant to compromise the matter with the complainant and to pay him money else he threatened to falsely implicate him in a criminal case. The complainant demanded Rs. 50,000/- to compromise the matter with the applicant else to falsely implicate him in a false case. Copy of CDR of said HC of dated 6th and 7th August, 2020 have been annexed in support of his contentions. The applicant refused to meet the demand of the complainant and father of applicant gave a written complaint on mobile grievance monetary system. Immediately, thereafter, said HC in collusion with the applicant, got the present FIR registered on the basis of false allegations. Applicant is apprehending his arrest and he may be granted anticipatory bail.

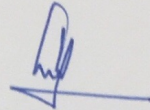
Per contra, Ld. State Counsel has argued that the allegations against applicant are serious in nature. It is submitted that applicant has caused injury on the head of complainant with an iron rod. The custodial interrogation of applicant is required for recovery of weapon of offence. It is also argued that applicant is a habitual offender being involved in two other cases of hurt of P.S Anand Parbat and he is hiding himself from arrest.



I have considered rival submissions.

The opinion on the nature of injury is not yet received. The custodial interrogation of applicant is required for recovery of weapon of offence. Therefore, considering these circumstances, I am not inclined to grant anticipatory bail to the applicant. Application is accordingly dismissed.

Copy of this order be given dasti.



(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02 (WEST),
TIS HAZARI COURTS : DELHI**

FIR No.798/2020

State Vs.Amit Kumar

PS : Nihal Vihar

u/s. 387/34 IPC

22.08.2020

The undersigned is performing duty pursuant to the computer generated circular/duty roaster dated 16.08.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is an application U/s. 439 Cr.P.C. for grant of bail moved on behalf of accused/applicant Amit Kumar.

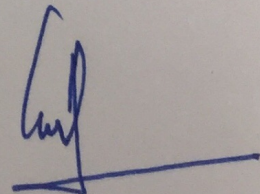
Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.
Sh. Sumeet Shokeen, Ld. Counsel for applicant/accused.

In compliance of previous order conduct report received from jail.

Same is perused.

I have perused the conduct report as well as previous involvement report filed by IO dated 20.08.2020. As per previous involvement report, no other case is pending against the present applicant and conduct report received from the Superintendent Jail is also positive. As per the criteria of High Powered Committee (HPC) dated 07.04.2020 under trial prisoners (UTPs) with respect to whom, charge sheet are yet to be filed, who are in custody for 15 days or more facing trial in a case which prescribes a maximum sentence of 7 years or less are entitled for interim bail for a period of 45 days.

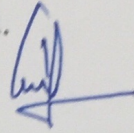
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Since applicant is charged for having committed offence of u/s. 387 IPC which is punishable upto 7 years and is in judicial custody since 01.08.2020 (21 days) till date is entitled for the relief prayed. Accordingly, applicant is admitted to bail subject to furnishing personal bond in sum of Rs. 20,000/- with one surety of the like amount for the satisfaction of MM/duty MM of the concerned district. Bail application is disposed off accordingly.

Nothing said herein shall tantamount to have effect on the merits of the case.

Copy of this order be given dasti, as prayed.



(POORAN CHAND)

ASJ-02/West/Delhi

22.08.2020

IN THE COURT OF SH. POORAN CHAND ASJ-02(WEST),
TIS HAZARI COURTS: DELHI

Fir No. 223/2018

P.S. Nihal Vihar

U/S 302 IPC

State Vs. Sewaram @ Manoj S/O Sh. Rameshwar R/O E-223 Nihal Vihar New Delhi

Second Address:- Village Ajdkhera P.S. Nimoi District Shahjahan Pur Uttar Pradesh

22.08.2020

Proceedings of this matter has been conducted through Video

Conferencing.

File taken up on interim bail application of applicant/accused Sewaram @ Manoj S/O Sh. Rameshwar u/s 439 Cr.P.C. on the criteria of High Powered Committee (HPC) of the Hon'ble High Court Dated 18.05.2020

Present : Sh. Rajat Kalra, Ld. Addl. PP for the state.

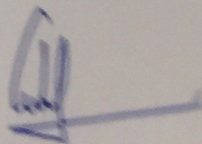
Sh. Hemant Kumar Ld. Counsel for applicant/Accused

Sewaram @ Manoj S/O Sh. Rameshwar

Reply to the bail application as well as conduct report from jail have been received.

By way of present application, applicant is seeking interim bail of 45 days in view of the guidelines issued by the high Powered Committee of Hon'ble High Court of Delhi on 18.05.2020 as the case of the applicant falls under the category enlisted in the HPC.

Per Contra Ld. State Counsel submits that as per the conduct report of the applicant received from Jail, same is not satisfactory, therefore, the applicant is not entitled to get interim bail in view of the guidelines of HPC. Hence Interim bail application may be dismissed. Ld Counsel for complainant has also submitted that after registration of the present case applicant /accused concealed himself for a long time by absconding or concealing with a view to avoid his arrest and during that absconded period he also got tampered material evidence. He has further submitted that if accused enlarge on interim bail he will flee away again. Hence interim bail application may be dismissed.



Ld. Counsel for applicant in rebuttal has argued that Hon`ble High Court of Delhi has granted bail even in the case where the conduct report from jail was not satisfactory. Therefore , applicant is entitled to get interim bail.

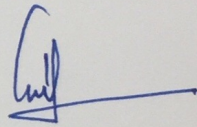
I have considered rival submissions.

Though applicant has only one case i.e. present case pending against him, however, his conduct report from the jail is not satisfactory . As per the guidelines of HPC, the conduct report from jail should be satisfactory. As regards the argument of Ld. Counsel for applicant regarding granting of interim bail by Hon`ble High Court of Delhi even when there was unsatisfactory report from jail, the Hon`ble High Court posses inherent powers and same cannot be exercised by this Court.

Therefore, considering the negative conduct report of the applicant, he is not entitled to get interim bail as no ground is made out for grant of interim bail. Application is accordingly dismissed.

Copy of this order be sent to Jail superintendent, Central Jail, Tihar for information to accued..

Dasti copy be given to counsel for accsued .



(POORAN CHAND)

ASJ-02(West)/THC/Delhi.

22.08.2020

**IN THE COURT OF SH. POORAN CHAND, ASJ-02
(WEST), TIS HAZARI COURTS : DELHI**

**FIR No. 787/20
PS : Nihal Vihar
State Vs. Shahrukh
U/s 376/506 IPC**

22.08.2020

Through Video Conferencing

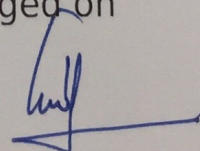
The undersigned is performing duty pursuant to the computer generated circular/duty Roster dated 31.07.2020 of Ld. District & Sessions Judge, West, Tis Hazari Courts, Delhi.

This is the application u/s 438 Cr.P.C. for grant of anticipatory bail moved on behalf of accused/applicant Shahrukh.

Present : Sh. Rajat Kalra, Ld. Addl. PP for State.
Sh. M.P. Sinha, Ld Counsel for the
applicant/accused through V.C.
Complainant with Ld. Counsel Ms. Anindita Das.
IO WSI Sangeeta.

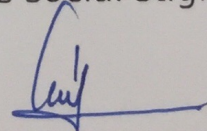
I have heard arguments from both the sides and perused the reply.

It is argued on behalf of applicant that the present FIR is based on false and frivolous allegations levelled by the complainant in order to settle the family disputes of the parties, who are next door neighbours. It is argued that though the present FIR was lodged on



27.07.2020 wherein the applicant has made false allegations of rape against the applicant, however, it is quite surprising that complainant had visited the local P.S on 30.05.20, 12.06.20 and 12.07.20 but on none of the occasions, she made any allegations of sexual harassment to the police against the applicant which makes it apparent that the present FIR is based on false and frivolous allegations. It is also argued that on the alleged incident of 12.07.2020, the applicant's family had made payment of Rs. 60,000/- to settle the disputes as the complainant's family had high links with the local police. However, later on, when the complainant's family realized that applicant's family is capable of paying more, they concocted a false story of commission of rape by the applicant on the victim by giving her cold drink mixed with sedatives and thereby levelling false allegations in the present false FIR in order to extort more money from the applicant's family.

Per contra, Ld. State Counsel assisted by Id. Counsel for complainant has opposed the anticipatory bail application on the ground that the allegations against the applicant are very serious in nature. As regards the argument that despite visiting local PS on three dates, complaint failed to report to the police of commission of sexual offence against her, it is submitted that the applicant had made her video while she was naked and threatened her to make the video viral. Because of the social stigma,

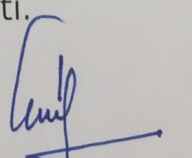


the complainant remained silent till the lodging of the present FIR. As regards the payment of Rs. 60,000/- to the family of complainant is concerned, the applicant has himself admitted that he had caused injury to the complainant while he was driving his bike and in order to compensate for the injury caused to the complainant, he had made payment of Rs. 60,000/- and in his bail application, it is mentioned that the victim had pushed the applicant due to which he fell down from his bike which clearly shows that the applicant has concealed this true fact which is clearly reflected in the compromise made at P.S. duly signed by the applicant. Copy of the said compromise has been filed today by Ld. Counsel for complainant. It is also argued that even after the incident of 12.07.2020, the applicant had threatened the complainant to have sexual relation with him else he would throw acid on her.

I have considered rival submissions.

Considering the facts and circumstances of the case, the serious allegations against the applicant and the fact that matter is still at the initial stage of investigation, I am not inclined to grant anticipatory bail to the applicant. Application is accordingly dismissed.

Copy of the order be given dasti.


(POORAN CHAND)
ASJ-02/West/Delhi
22.08.2020