

FIR No. 277/2018
PS: Sarai Rohilla
State Vs. Shivani

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Akhilesh Yadav, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Shivani in case FIR No. 277/2018.

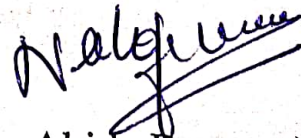
Ld. Counsel for the accused-applicant submits ^{that} interim bail is being sought on the ground of illness of mother in law and also to take care of the minor children i.e. two minor daughters of the accused-applicant as the accused-applicant alongwith her husband both are in custody in connection with the present case FIR and there is no one to look after the minor daughters of the accused-applicant besides mother in law who herself is suffering from several ailments.

Reply is filed. Ld. Addl. PP submits that the medical record of eye problem being suffered by the mother in law of the the accused stands verified and it appears from the report that the problem in her eyes is serious in nature and it is also verified that the minor children of the co-accused husband of the accused-applicant are residing with the mother in law and that there is no other family member capable of taking care of minor children of the husband of the accused-applicant ^{through} as the accused-

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accused-applicant is the second wife and not the biological mother of the minor daughters.

Taking into consideration that the minor daughters of the husband of the accused-applicant are in the custody of the mother in law of the accused-applicant who is suffering from a serious problem in her eyes compromising her vision, **interim bail of 30 days is granted to the accused-applicant Shivani in case FIR No. 277/2018 to take care of the daughters upon furnishing two sureties of Rs.50,000/- each** and subject to the condition that she shall mention her mobile phone number, which number it shall be ensured by the accused remains on switched on mode throughout the period of interim bail with location activated and shared with the IO at all times. Moreover, once in 24 hours every day, accused-applicant through said mobile phone shall telephonically inform the IO about her whereabouts. The accused-applicant is also prohibited to enter the territorial limits of NCT Delhi during the period of interim bail, except on the day of her surrender and shall not in any manner make any contact with the complainant and his family nor shall attempt in any manner to threaten/intimidate the witnesses or tamper with evidence or interfere with the course of justice.



(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 195/2017
PS: Subzi Mandi
State Vs. Yasin @ Gilli

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Shivendra Singh, LAC for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

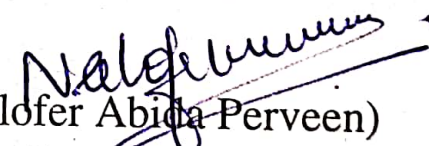
This is an application for grant of interim bail for 45 days on behalf of accused Yasin @ Gilli in case FIR No. 195/2017 in accordance with guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel submits that accused-applicant Yasin @ Gilli fulfills all the criteria under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. Ld. LAC for the accused-applicant fairly conceded that there is one conviction against the accused-applicant, however, same has been impugned by way of an appeal. Ld. Counsel for the accused-applicant has also filed final order passed in case FIR No. 165/2014, the order passed in Crl. A. No. 780/2015 and status of Crl. A. No. 780/2015 pending before the Hon'ble High Court of Delhi.

Reply has been received alongwith previous involvement report. It emerges that accused-applicant is involved besides the present case in 11 other cases and has undergone sentence upon conviction in 6



criminal cases and has preferred appeal against his one of the convictions i.e. in case FIR No. 165/2014. Custody certificate alongwith conduct report is also received from Jail Superintendent. The accused-applicant does not have clean antecedents, moreover as per the report received from Jail Superintendent, CJ-1, Tihar, New Delhi his conduct during custody has also not been satisfactory / good and he has been awarded on several occasions punishment for jail offences as per Prison Rules. The accused-applicant therefore does not fulfill all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi. **Application of the accused-applicant Yasin @ Gilli for grant of interim bail of 45 days in case FIR No. 195/2017 on the basis of guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 is hereby dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 103/2019

PS: Sadar Bazar

State Vs. Aniket

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Uma Shankar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail under Section 439 CrPC on behalf of accused Aniket in case FIR No. 103/2019.

Ld. Counsel for the accused-applicant submits that accused-applicant is in JC for more than one year now and has clean antecedents. That complainant has since been examined and has failed to identify the accused as one of the offender. That complainant has been examined and has turned hostile.

^{so} Ld. Addl. PP submits that complainant has turned hostile on the ~~aspect~~ aspect of identification of the offenders stating that it was dark in the night. However, it is the accused-applicant who as per the prosecution has inflicted the stab injury on the person of the complainant and was arrested minutes after the incident by the police on the basis of the description provided by the injured.

Arguments heard. Record perused.

Though accused-applicant is alleged to be the offender who had inflicted the stab injury however for the purpose of the present bail

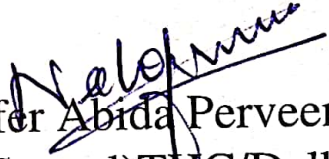
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application it is pertinent that the complainant in the course of examination in the Court has failed to ^{na} identify the accused-applicant and no TIP proceedings were conducted in respect of the accused-applicant and accused-applicant was apprehended by the police only on the basis of description of the offenders provided by the injured and the weapon of offence is also not recovered. Both the co-accused have already been granted regular bail. Accused-applicant is not alleged to be involved in any other criminal case.

In the totality of the facts and circumstances of the case, taking into consideration as the accused-applicant has not been clearly and categorically identified as one of the offenders by the victim when examined in the Court, and as the accused-applicant has clean antecedents, **present application for regular bail on behalf of accused Aniket in case FIR No. 103/2019 is allowed and accused-applicant Aniket is admitted to bail in case FIR No. 103/2019 upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that prior to his release, he shall give the mobile phone number of self and of at least one other responsible family member besides that of the sureties to the IO and the Court, that he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of**

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the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence, he shall not change his mobile phone number and address without prior intimation to the IO and the sureties shall also intimate the IO in the event of change of address and that the mobile phone number to be used by the accused-applicant shall be mentioned in the bond and shall be kept switched on at all times with location activated and shared with the IO concerned and with the further direction that the accused-applicant shall not leave the territorial jurisdiction of NCT Delhi without prior intimation to the IO concerned.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 32/2019
PS: Prasad Nagar
State Vs. Kamal Kishore

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.
Sh. Vineet Jain, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Kamal Kishore in case FIR No. 32/2019.

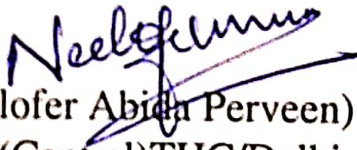
Ld. Counsel for the accused-applicant submits that the accused-applicant unfortunately lost his father recently on 07.02.2020 leaving his widowed old aged mother in a state of shock and now his younger sister ^{who is aged} living with the widowed mother has met with an accident and there is no one in the family to take care of the younger sister of the accused-applicant as mother of the accused-applicant besides her old aged ^{one} is still not in a fit emotional state to look after the younger sister of the accused-applicant.

Ld. Addl. PP submits that detailed reply has been filed by the IO in respect of the incident and that though accused-applicant has not caused the fatal injuries on the person of the deceased but his presence alongwith other co-accused is asserted. That IO has also verified the family status and the factum of the accident suffered by the sister of the accused-applicant and that the sister of the accused-applicant is bed ridden due to fracture of leg. Ld. Addl. PP further submits that it is also verified that accused-applicant has clean antecedents.

In the totality of the facts and circumstances, as the accused lost his father on 07.02.2020 and his mother is stated to be not in a fit emotional state

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to look after the younger sister of the accused-applicant who has fractured her leg, 15 days interim bail is granted to the accused-applicant Kamal Kishore upon furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount and subject to the condition that he shall mention his mobile phone number, which number it shall be ensured by the accused remains switched on mode throughout the period of interim bail with location activated and shared with the IO at all times. Moreover, once in 24 hours every day, accused-applicant through said mobile phone shall telephonically inform the IO about his whereabouts. That at no time and under no circumstances during this period of interim bail, the accused applicant shall be found within 1 km radius of the residential address of the complainant and shall in no manner attempt even to communicate / contact the complainant or his family, to threaten, intimidate witnesses or interfere with the course of justice or temper the evidence in any manner.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 99/2016

PS: Civil Lines

State Vs. Surje Tamang

24.06.2020

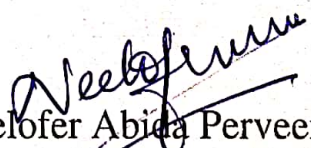
Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Surje in case FIR No.99/2019. Another application for disposal of the case is filed in the present case FIR which is on behalf of both the accused i.e. Hemant Tamang and Surje Yojang Tamang.

It emerges that the matter was at the stage of pronouncement before the nationwide lockdown was announced and regular court work was suspended. Ld. Counsel for the accused-applicant has no objection if the present application for interim bail is disposed of with the directions that the matter which is at the stage of pronouncement is taken up for pronouncement on **04.07.2020**. Accordingly, both the applications are disposed of while posting the main case for pronouncement for 04.07.2020 with the directions to the Jail Superintendent to produce both the accused in the present case through video conferencing. As the matter otherwise for proper orders is stated to be fixed on 25.06.2020, the order for production of the accused through video conferencing shall be passed in the main ^{case ~~20~~} on 25.06.2020 i.e. date already fixed for proper orders. ^a


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 43/2018
PS: Sadar Bazar
State Vs. Shahrukh

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

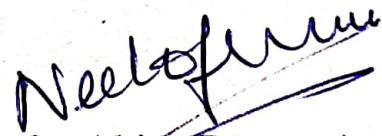
Sh. Hemant Chaudhary, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail for 45 days on behalf of accused Shahrukh in case FIR No. 43/2018 in accordance with guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Reply is filed alongwith previous involvement report. Accused is not alleged to be involved in any other case. Custody certificate alongwith conduct report be called from Jail Superintendent.

For report and consideration, put up on **29.06.2020**.



(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020

FIR No. 113/2016

PS: Pahar Ganj

State Vs. Rupesh Kumar Gupta

24.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

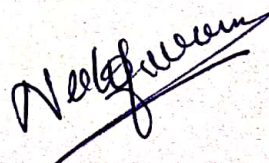
Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Rupesh Kumar Gupta in case FIR No. 113/2016.

The application is filed invoking the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as the accused who is alleged to have committed the offence punishable under Section 302 IPC is in custody since 25.02.2016 with clean antecedents. It is verified that accused applicant is not involved in any other case. Custody certificate is annexed alongwith the application as the application is received through the Jail authorities, however, in the present case there is an application pending filed on behalf of the accused-applicant under Section 328 CrPC for stay of the trial on the ground that the accused-applicant is a person of unsound mind and for the assessment of his condition.

Report is received of the Medical Officer Incharge, CJ-4, Tihar that the accused-applicant based on psychiatric evaluation by the Jail



Consulting S. R. Psychiatrist dated 27.04.2016 is provisionally diagnosed with psychosis and is receiving appropriate treatment for the same and has shown significant improvement in his psychiatric symptoms on medications . That the patient was seen by S. R. Psychiatrist on 28.02.2020 and 03.03.2020 on the complaint of hearing of voices which decreased in intensity and frequency and for the same the patient was thoroughly examined and provided adequate treatment thereafter the patient was again seen by jail visiting S. R. Psychiatric for follow up on 09.03.2020, 19.03.2020, 09.04.2020, 23.04.2020, 14.05.2020, 30.05.2020 and 11.06.2020 and was thoroughly examined and was found maintaining well on medications and advised to continue same treatment. It therefore emerges that the accused-applicant on 27.04.2016 was diagnosed with psychosis and the alleviation in the symptoms is on account of regular medication and for maintaining the condition the medications are to be regularly taken and administered as per medical advise and the treatment has to be on going continuous treatment to ensure that the condition does not degenerate. In such circumstances and also taking into consideration that there is already an application in the main case pending on behalf of the accused-applicant for stay of the trial as the accused-applicant is not in a position to raise his defence due to unsoundness of mind in accordance with the provision of Section 330 of CrPC, accused-applicant can be released on bail only upon application of friend or relative with undertaking to obtain out patient psychiatric treatment from the nearest facility and the assurance of prevention of injury to himself or to any other

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person if so released on bail. Hence, the present application for interim bail which is received from jail on behalf of accused Rupesh Kumar Gupta is dismissed as Rupesh Kr. Gupta is reported to be suffering from psychiatric illness which condition is ^{being managed through na} regular medication and treatment in custody and as the application is not received through a friend or relative alongwith appropriate undertaking in accordance with law.

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(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.06.2020