

**CR No.: 140/2020, 141/2020,142/2020,143/2020 and 144/2020
Deepak Talwar v. Income Tax Office**

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 02.09.2020.

On 02.09.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. Tanveer Ahmad Mir, Ld. Counsel for Revisionist Deepak Talwar through VC.
Sh. Anish Dhingra, Ld. Counsel for Respondent/ITO through VC.

Reply filed. Copy supplied.

put up for arguments/appropriate orders for 03.10.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**



SC:153/2017
FIR No: 299/2012
PS: Sarai Rohilla
State v. Mohan Kumar and Ors.

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 18.05.2020 and 15.07.2020.

On 15.07.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order for 04.01.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

CR: 107/2020
ICICI Bank Ktd v. Rajendra Kr Goel

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 23.03.2020 and 15.07.2020.

On 15.07.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: None.

No adverse order is passed in the interest of justice.

Put up for purpose fixed/arguments in terms of previous order on 04.01.2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

CA No.: 35/2020
Neeraj Vs State

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 15/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None for appellant.

Mr. Pawan Kumar, learned Addl.PP for State.

In the interest of justice, no adverse order is passed in the present case.

Put up for the purpose already fixed / arguments for **26/11/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC:27931/2016
FIR No: 59/2013
PS: Hauz Qazi
State v. Irfan @ Sonu @ Jugnu etc.

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 18.05.2020 and 15.07.2020.

On 15.07.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for accused.

No adverse order is passed in the interest of justice.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order for 04.01.2021.


(Maveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 28098/2016
FIR No. 298/2012
PS Sarai Rohilla
State vs Shiv Prasad & others

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 15/07/2020 . Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None.

All the accused are stated to be on bail in the present case.

In the interest of justice, no adverse order is passed in the present case.

Put up for the purpose already fixed / arguments for **10/11/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 27799/2016
FIR No. 69/2012
PS Sarai Rohilla
Kailash Kumar & Anr

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 15/07/2020 . Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None.

Both the accused are stated to be on bail in the present case.

In the interest of justice, no adverse order is passed in the present case.

Put up for the purpose already fixed / arguments for **10/11/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Ajanta Raj Protein Pvt. Ltd. & Ors. v. Himanshu Food Pvt. Ltd.

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06.05.2020 and 04.07.2020.

On 04.07.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. V. N. Chaturvedi, Ld. Counsel for Appellants.
Sh. Shalabh Gupta, Ld. Counsel for Respondent.

Additional copy of the appeal is already placed on record by the Appellant side. Respondent is at liberty to receive the same.

At request, put up for arguments on 18.12.2020 through physical mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

CA: 6/2020

Ajanta Raj Protein Pvt. Ltd. & Ors. v. Himanshu Food Pvt. Ltd.

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 06.05.2020 and 04.07.2020.

On 04.07.2020, matter was adjourned for 15.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. V. N. Chaturvedi, Ld. Counsel for Appellants.
Sh. Shalabh Gupta, Ld. Counsel for Respondent.

Additional copy of the appeal is already placed on record by the Appellant side. Respondent is at liberty to receive the same.

At request, put up for arguments on 18.12.2020 through physical mode.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No. 20/2020
FIR No. 257/2014
PS Darya Ganj
State Vs Nadeem Khan & Others

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing were 26/03/2020, 18/05/2020 & 15/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None.

In the interest of justice, no adverse order is passed in the present case.

Put up for the purpose already fixed for **04/01/2021**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 205/2019
FIR No.: 245/2018
PS I.P. Estate
State Vs Saidul Aziz @ Mumfali

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 15/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for the accused.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused person for the next date of hearing.

Put up for PE in terms of previous order for **06/01/2021**. Two of the material witnesses be summoned for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 262/2017
FIR No.: 24/2016
PS Hauz Qazi
State Vs Akash Kashyap @ Ghoda & Anr

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 17/02/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for the accused persons.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused persons, if any, who are in JC for the next date of hearing.

Put up for PE in terms of previous order for **05/01/2021**. Two of the material witnesses be summoned for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 317/2018
FIR No. 22/2018
PS Kamla Market
State Vs Radha

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

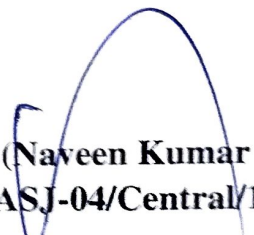
In the present case, last regular date of hearing were 18/05/2020 & 15/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. S.N. Shukla, learned LAC for accused through VC.

Issue production warrant for the accused, if accused is in JC, for the next date of hearing.

Put up for the purpose already fixed for **05/01/2021**. Two of the material witnesses be summoned for the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

BAIL APPLICATION No.: 1188/2020

State v. Chinki Yadav
FIR No: 195/2020
PS: Kashmere Gate
U/S:147,148,149,307,427,506,440,452 IPC &
25,27,54,59 Arms Act

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Pradeep Kr Anand, Ld. Counsel for accused/applicant
Chinki Yadav.

Reply filed by SI Satender Singh.

Arguments in detail heard from the accused side.

Issue notice to IO concerned Satender Singh specifically on the aspect what is outcome of the CCTV footage, role of the present accused as per investigation so far, basis of invoking Section 307 IPC in the present case. IO be present in person on next date of hearing with case file.

At request, put up for further arguments on 19.09.2020
i.e. next date of physical hearing of this court.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020



BAIL APPLICATION No.: 1183/2020

State v. Divesh Gupta

FIR No: 195/2020

PS: Kashmere Gate

**U/S:147,148,149,307,427,506,440,452 IPC &
25,27,54,59 Arms Act**

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Jaiveer Singh Chauhan Ld. Counsel for accused/applicant
Divesh Gupta.

Reply filed by SI Satender Singh.

Arguments in detail heard from the accused side.

Issue notice to IO concerned Satender Singh specifically on the aspect what is outcome of the CCTV footage, role of the present accused as per investigation so far, basis of invoking Section 307 IPC in the present case. IO be present in person on next date of hearing with case file.

**At request, put up for further arguments on 19.09.2020
i.e. next date of physical hearing of this court.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**



Bail Matter No.: 2495/2020
FIR No: 324/2020
PS: Pahar Ganj
State v Rocky Goswami
U/s : 409, 420, 468, 471, 34 IPC

15.09.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Bhuvneshwar Tyagi, learned counsel for applicant through VC.

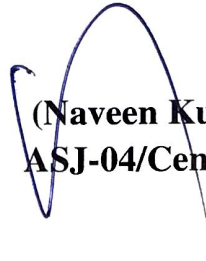
Fresh application seeking interim bail on behalf of applicant / accused Rocky Goswami has been filed through counsel.

Reply filed by the IO through electronic mode. Copy supplied.

Part arguments heard.

Today is physical hearing of this court. As such, put up for **tomorrow i.e.**

16/09/2020 through VC for arguments and appropriate orders.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Misc. APPLICATION

**State v. Mahesh
FIR No: 699/2014
PS: Karol Bagh
U/S: 302,201 IPC**

15.09.2020

This court is holding physically today as per directions.

**This is an application for grant of Medical Facility to
Mahesh@ Mannu.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for applicant.

Notice be issued to Jail Superintendent concerned to file reply
on next date.

**Put up for reply from Jail Superintendent concerned
with file on 24.09.2020.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**



BAIL APPLICATION No.: 1187/2020

**State v. Mohd. Shoaib Khan
FIR No: 157/2020
PS: DBG Road
U/S: 392,397,395, 34 IPC & 25 Arms Act**

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for applicant.

Ld. Counsel for applicant is not available through VC.

Put up on 17.09.2020 through VC.

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**

Bail Matter No.: 1160/2020
FIR No: 266/2020
PS: Nabi Karim
State v. Shamim @ Dabba
U/s : 308, 506, 34 IPC

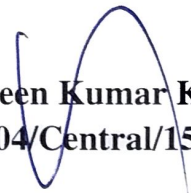
15.09.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Shiv Kumar Gautam, learned counsel for applicant.

Today, the matter was fixed for orders / clarification. Learned counsel for accused wants to address further arguments.

As such, put up for further arguments through VC for **17/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

BAIL APPLICATION No.: 1186/2020

State v. Akash

FIR No: 195/2020

PS: Kashmere Gate

**U/S:147,148,149,307,427,506,440,452 IPC &
25,27,54,59 Arms Act**

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Aman Goel, Ld. Counsel for accused/applicant Akash.

Reply filed by SI Satender Singh.

Arguments in detail heard from the accused side.

Issue notice to IO concerned Satender Singh specifically on the aspect of whether applicant is a juvenile or not. IO be present in person on next date of hearing with case file.

At request, put up with connected matter for further arguments on 19.09.2020 i.e. next date of physical hearing of this court.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

BAIL APPLICATION No.: 1189/2020

**State v. Pramod Kumar
FIR No: NA
PS: Chandni Chowk
U/S: NA**

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Anubhav Dubey, Ld. counsel for applicant.

Report not filed.

**Put up for reply, arguments and appropriate orders on
17.09.2020 through VC.**

Let send a fresh copy to the IO as it is stated by IO that he has not received the copy of the bail application.


**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**

SC No.: 264/2020
FIR No. 227/2020
PS Wazirabad
U/s: 302, 120B, 34 IPC & 27 Arms Act

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.


Mr. Vishwajeet Tomar, learned counsel for accused No.2 Honey @ Vishal through VC.

Accused No.5 Hari Kishan produced from JC through VC.

No other accused produced through VC.

In the interest of justice, no adverse order is passed in the present case.

Put up for arguments on the point of charge in terms of previous order for **18/11/2020**. Issue production warrant for all the accused persons through VC or otherwise as per the situation permits for the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

State Vs Vikash Bhagat s/o Mr. Dev Narayan Bhagat
FIR No. 58/2018
P. S. EOW
U/s: 420, 406, 409, 120B IPC

15/09/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Mr Rizwan, Learned counsel for applicant / accused in person.
Mr. Ritesh Kumar Saini, learned counsel for complainant in person.
SI Yad Ram IO in person.

Vide this order, regular bail application u/s 439 Cr.PC dated 01/09/2020 filed by applicant Vikash Bhagat s/o Dev Narayan Bhagat through counsel is disposed of.

In nutshell, it is stated in such application that present FIR is filed by one Sunil Dobriyal and other prospective buyers of a proposed Real Estate project in Greater Noida UP. That entire case is based on documentary evidence, as such, there is no question of tampering the same and, infact, such documents are already, at present, in the custody of Interim Resolution Profession (IRP) pursuant to order of NPLT dated 31/10/2019; that it is a matter of record that he fully cooperated with the investigation and provided relevant information; that his role is limited in the company in question and he was looking after sales side only. It is further argued that there were farmer dispute / land dispute related to the land acquisition in general in the

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FIR No. 58/2018
P. S. EOW
U/s: 420, 406, 409, 120B IPC

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area where proposed project is situated and there are some judgment by the Hon'ble Supreme Court also dated 21/10/2013. Copy of which is placed on record. It is further stated that there were some farmer agitation because of which actual work could not be started by the company. It is further claimed that possession of the land in question actually received somewhere near September, 2015 only. It is further stated that there were some IT dispute, thereafter, till mid of July. It is further, vehemently, argued that an FIR No. 262/2017 is already registered regarding the same subject matter at Gautam Budh Nagar UP and even the complainant of the same is same as of present FIR about the same subject matter. As such, it is argued that investigation in present case is illegal and not tenable as such. Case law relating to multiple FIR issue, also relied in this regard by the learned counsel for the accused. It is further argued that from July, 2019 till arrest the accused fully cooperated with the IO and submitted his reply time and again which is also a matter of record. It is further argued that as such there is no requirement of custody. It is further argued that in any case now the stage of seeking PC remand is already over and no purpose would be served by keeping the accused in JC. It is further pointed out that although the FIR was registered in March, 2018, the accused is arrested after 2 and 1/2 year only without any justification. It is further stated that now all the proceedings and affairs of the company are with the NCLT and concerned official appointed by it, therefore, accused cannot tamper with evidence on that account also. It is



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further stated that earlier he surrendered his passport to NCLT and the same was released by NCLT due to his good conduct. It is further stated that as such, he is not a flight risk. It is further stated that he has roots in society and there is no possibility of accused flee from justice. It is further stated that gravity cannot be the sole ground even otherwise, and certain case law relied in this regard also. It is further pointed out apart from present FIR and another FIR in Greater Noida No. 262/2017, two other FIRs were also registered against the present accused and he is already on bail in those two other matters.

On the other hand, it is argued by learned counsel for complainant that it is not a simple case of non delivery of flats / office but systematic diversion of funds and cheating a number of buyers. It is further stated that EOW is the appropriate agency to investigate the present matter as it is not the case of single complainant but multiple victims. It is further argued that present accused actively participated in day-to-day activities and certain documents are also placed in this regard. It is further stated that even the sale department which he was admittedly looking after was an instrument in defrauding the innocent buyers. It is further disputed that his conduct before the NCLT was good. It is further argued that accused cannot take benefit inaction in the part of EOW / Police. It is further stated that anticipatory bail of co-accused is already rejected. As such, present application is opposed.

A detail reply dated 04/09/2020 is submitted by IO. Based on such



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FIR No. 58/2018
P. S. EOW
U/s: 420, 406, 409, 120B IPC

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reply, it is argued by the learned Addl.PP for the State that by issuing false advertisement complainant and his other directors, they attracted innocent buyers and accepted booking amount from the investors in the name of their company M/s. Airwil where they were not the allottee of the plot in question and as such did not have authority to develop or sell such project. It is further stated that such plot was allotted by the concerned authority to M/s Ascot Project Pvt. Ltd. That they collected amount in crores from hundreds of buyers out of which 152 filed their complaint in EOW and amount involved is Rs.22 crores. It is further stated that merely 50 percent construction was taken place in residence and 2 percent in commercial / office. That they diverted funds through various companies. But it is admitted that on 20/09/2019, Hon'ble NCLT Delhi has suspended the board of directors of the company in question and already appointed one RP who has taken charge of the company's affairs. It is further admitted that an FIR number No.262/2017 dated 24/04/2017 is pending trial at Noida UP. It is further submitted that two directors Anil Sutar and Sameer Sutar are granted anticipatory bail vide order dated 25/10/2019. It is further submitted that anticipatory bail of co-accused Chhittar Singh is dismissed on the other hand. It is further stated that two co-accused Manoj Kumar Chaudhary and Sanjay Kumar are arrested in present case and are in JC since 25/06/2020 and 26/06/2020 respectively. It is further stated that present accused was arrested in present case on 19/08/2020 and is in JC since then. It is further stated that present accused has 20 percent



False

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share in the present company whereas Manoj Chaudhary is having 50 percent share holding and Anil Kumar Sutar has 30 percent shares in this company. It is further submitted that such accused was arrested in another matter in Nodia UP on 14/08/2020 only. Further details of his role is also mentioned in such reply. It is further argued that in the name of salary etc. present accused received about Rs. 5 crores. It is further stated that he purchased a car out of the fund collected from the investors. It is further stated that he may tamper with evidence if released on bail. As such, present application is opposed.

I have heard all the sides and gone through the record.


The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor.

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The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect

State Vs Vikash Bhagat s/o Mr. Dev Narayan Bhagat
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of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as

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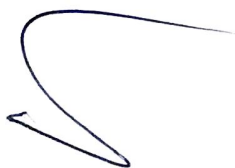
a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or

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refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or

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refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is a matter of record that present FIR is registered about two and half years ago. Further, it is matter of record that as far as present accused is concerned, he was summoned time and again by the IO by issuing notices and such accused replied to the same. It is further

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matter of record that during such two and half years the concerned investigating agency did not deem it necessary to arrest the present accused. Further, in this regard, there is some force in the arguments of learned counsel for accused that only because of certain observation by the learned CMM while dealing with bail application of co-accused Manoj Kumar Chaudhary dated 18/08/2020 relating to why the present accused / applicant is not arrested, the concerned agency woke up and carried out the present arrest while he was already in JC in another matter at UP. Although, the concerned agency / IO has the liberty to decide the timing / stage of the arrest and has certain discretion / power of the same but in view of such facts and circumstances, this court find force in the arguments of learned counsel for the present accused in this regard. In any case, the stage to seek PC remand of the present accused is already over. As such, the prosecution cannot be heard saying that present accused is still required for the purpose of interrogation / PC. Further, such accused has roots in society, even otherwise, his presence can be secured by imposing appropriate conditions. In fact, it is stated by the learned counsel for the accused that he is ready to surrender his passport, if so, directed. Further, it is not clear that despite lapse of two and half years when the investigation would be completed and chargesheet would be filed. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. Further, such accused is granted bail in two other similar matters relating to same project by other

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courts. Further Although, economic offence are to be treated strictly but, it is also the settled law that gravity of offence is not the sole factor, and one cannot be ignorant of presumption of innocence till proved guilty and there cannot be pre-trial conviction / JC as observed above already. Further, the prosecution has not able to place on record any other criminal record of the present accused. Further, there is pandemic condition due to corona virus and cases of infection from jails are also being reported.

In above facts and circumstances, as far as present accused is concerned, he is granted bail subject to furnishing of personal bond in the sum of **Rs. 10 lacs with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) Applicant shall not flee from the justice;*
- ii) Applicant shall not tamper with the evidence;*
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) Applicant shall not leave country without permission/ court;*
- v) Applicant shall convey any change of address immediately to the IO and the court;*
- vi) Applicant shall also provide his regular mobile number to the IO;*
- vii) Applicant shall mark his attendance before concerned IO (and if IO is not available then to concerned SHO) once a*



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month through mobile by sharing his/her location with the SHO concerned till the chargesheet is filed;

viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a month, preferably on Monday between 10 a.m. to 5 p.m. till the chargesheet is filed.

ix) Applicant shall keep their such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday till the chargesheet is filed.

x) That applicant will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.

xi) Applicant will not indulge in any kind of activities which are alleged against him in the present case.

It is clarified that in case if the applicants/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of "**Ajay Verma Vs. Government of NCT of Delhi**" WP (C) 10689/2017 dated 08.03.2018 wherein it was observed and I quote as under:

"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of

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bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) Every bail order shall be marked on the file.*
- c) It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution.....”*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) The date on which conditions imposed by this court are satisfied;*
- b) The date of release of prisoner from jail;*
- c) Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner

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for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode. **Further a copy of this order be sent to the Jail Superintendent concerned through electronic mode. Further a copy be sent to the IO / SHO concerned. Further, copy of this order be uploaded on website. Further a copy of this order be given to both the sides at request.**


(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/15/09/2020)

State Vs Vikash Bhagat s/o Mr. Dev Narayan Bhagat
FIR No. 58/2018
P. S. EOW
U/s: 420, 406, 409, 120B IPC

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04; CENTRAL;
TIS HAZARI COURTS: DELHI

Bail Application No. 1184/2020

State v. Karun @ Tarun S/o Sh. Chain Sukhdass
FIR No.: 154/2020
PS: Pahar Ganj
U/s: 356,379,411,413,34 IPC

15.09.2020

This court is holding physically today as per directions.

This court is also discharging Bail Roster Duty.

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Mr. Anil Kumar Mishra, learned counsel for the
applicant / accused.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 11.09.2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in

view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and

it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or

imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that

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facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

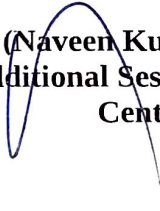
In the present case, it is argued that there is a spread of corona virus including inside the jail and there are certain directions by Hon'ble High Court and Hon'ble Supreme Court in this regard. That he is falsely implicated in the present case. That his father is working as plumber. That his father is suffering from old aged problem including Ashthma, high BP, diabetes etc. That he is the only son to look after his father. That based on disclosure statement of main accused, present accused is arrested and his name is not mentioned in the FIR. That he is arrested after about 2 months after registration of FIR. That nothing is recovered from his possession except the planted one. That in any case such planted articles are already recovered and nothing remains to be recovered thereafter. That in order to ensure that he do not get bail, police

has unnecessarily invoked Section 413 IPC. That all other criminal cases are settled/disposed of.

On the other hand, in reply filed by IO as also argued by learned Addl. PP for the state, it is argued that accused told that they sold the case property to the present accused and in the past also, accused has purchased a stolen property from them and thereafter case property was recovered from the accused/applicant. It is further stated that sixteen other mobile phones were also recovered from the accused person apart from the mobile of the present case. That he is previously involved in nine other criminal cases. As such, section 413 IPC is also added in this case.

I find force in the arguments of learned Addl.PP for the state. Investigation is at the initial stage. Further, from the material placed on record by the accused also, it appears that he is involved in other cases. Further, the section 413 IPC is punishable upto life. Therefore, having regard to the nature of offence and stage of investigation, this court is not inclined to grant bail at this stage.

With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.


(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
15.09.2020.

Bail Matter No.: 1161/2020
FIR No: 267/2020
PS: Nabi Karim
State v. Kashim Ahmad

15.09.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Learned counsel for complainant alongwith complainant in person.

Further submissions heard.

Put up for orders / clarification, if any, with connected matter for **17/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

SC No.: 687/2017
FIR No.: 25/2017
PS Maurice Nagar
State Vs Shahnawaj @ Shanu

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Ayub Ahmed Qureshi, learned counsel for accused through VC.

Put up for judgment / clarification, if any, for **16/09/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020



Anticipatory Bail

**Bail Application No.: 1138
State vs Manav s/o Pawan
FIR No. 153/2020
P. S. Sadar Bazar
U/s: 408, 411, 34 IPC**

15.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
None for applicant.

Arguments in detail were already heard and today the case is fixed for order on the present anticipatory bail application dated 08/09/2020 filed by applicant Manav through counsel.

In the present case, it is argued by the learned counsel that present applicant apprehends his false implication and arrest in the present case. That he has no connection with the case in question. That in any case he is a bonafide purchaser for value of the alleged stolen articles which were stolen by other servant of the complainant. That he was not aware that such articles were stolen and he made the payment in routine to such main accused. It is further stated that ingredients of the offences against him are not satisfied. It is further stated that without

**Bail Application No.: 1138
State vs Manav s/o Pawan
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P. S. Sadar Bazar
U/s: 408, 411, 34 IPC**



prejudice to his rights and contentions, he is ready to deposit a sum of Rs. 1 lac in the form of FD in the name of this court.

On the other hand, it is argued by learned Addl.PP for the State that present applicant is the Ex-employee of the complainant. That he was well aware about the mislead of the co-accused as well as the business of the complainant. It is further stated that custodial investigation is required to unearth the offence in question and to completely trace out the case property / proceeds of crime. As such, present anticipatory bail application is strongly opposed.

Present application is for anticipatory bail. The role of the present applicant is that he purchased the stolen case property / Gamla from the main accused Arjun. It is not the case that the present applicant himself was directly involved in such criminal breach of trust of present nature. Allegations against him appear mainly of the nature of offence u/s 411 IPC. Further, it is submitted by learned counsel for accused that he is ready to deposit a sum of Rs. 1 lac in the name of FD in the name of the court. As such, although, this court is not inclined to grant the relief as prayed for having regard to the nature of offence, but **IO is directed to give seven working days notice to the applicant** on the addresses mentioned on the bail applications and also on the official address of the counsel as mentioned in the bail applications. In the meanwhile, the

**Bail Application No.: 1138
State vs Manav s/o Pawan
FIR No. 153/2020
P. S. Sadar Bazar
U/s: 408, 411, 34 IPC**



applicants shall join the investigations as and when called upon to do so. Further, he shall deposit FD in the sum of Rs. 1 lac in the name of learned MM concerned.

The present anticipatory bail application is accordingly disposed of. Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further, copy of this order be uploaded on website.


(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/15/09/2020)

Bail Application No.: 1138
State vs Manav s/o Pawan
FIR No. 153/2020
P. S. Sadar Bazar
U/s: 408, 411, 34 IPC

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IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

BAIL APPLICATION NO.: 1048/2020
State v. Deepak @ Rahul S/o Ashok
FIR No. : 142/2020
P. S. : DBG Road
U/s: 392, 411 IPC

15.09.2020.

This court is holding physically today as per directions.

This court is also discharging Bail Roster Duty.

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Sh. Nishant Sharma, Ld. Counsel for accused/applicant.

Vide this order, regular bail application u/s 439 Cr.PC dated 29.08.2020 filed by applicant through counsel is disposed of.

It is stated in the application that he has been falsely implicated in the present case. There is no legally tenable evidence against the present accused. That he has no concern with the scooter in question nor his name is Gunjan as otherwise claimed by the prosecution. That nothing incriminating is recovered from him except the planted one. The chargesheet is already filed. That there is spread of corona virus including inside the jail.

On the other hand, it is stated by the State he is involved in other four cases. That if he is released, he will indulge in other similar matters. It is further stated that vehicle in question was recovered from him.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous

impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which,

he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard

and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is a matter of record that accused is in JC since 25.05.2020. In fact, the period for seeking police remand is already over. In fact chargesheet is already filed and rest is the matter of trial. As such, no purpose would be served by keeping such accused in JC. Further, it may be noted that there is fundamental presumption of innocence in any criminal case in India i.e. an accused is presumed innocent unless proved guilty. In present case, no previous conviction record is placed on record by the IO and at best there are cases alleging involvement of present accused in other similar cases.

In above facts and circumstances, present accused is

granted bail subject to furnishing of personal bond in the sum of **Rs. 15,000/- with one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- (i) *That he will appear before IO / Trial Court as and when called as per law.*
- (ii) *He will not indulge in any kind of activities which are alleged against him in the present case.*
- (iii) *That he will not leave India without permission of the Court.*
- (iv) *He will not threaten the witness or tampering with evidence.*
- (v) *He shall convey any change of address immediately to the IO and the court;*
- (vi) *He shall also provide his mobile number to the IO;*

It is clarified that in case if the applicant/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of **“Ajay Verma Vs. Government of NCT of Delhi” WP (C) 10689/2017 dated 08.03.2018** wherein it was observed and I quote as under:

“..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) *In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) *Every bail order shall be marked on the file.*
- c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*

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d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution.....”*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) *The date on which conditions imposed by this court are satisfied;*
- b) *The date of release of prisoner from jail;*
- c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
15.09.2020

CR No.: 199/2019
Naresh Kumar @ Tau vs State

15.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 15/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None for revisionist.

Mr. Pawan Kumar, learned Addl.PP for State.

In the interest of justice, no adverse order is passed in the present case.

Put up for appearance of parties and for the purpose already fixed / arguments in terms of previous order for **23/11/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

: 1 :

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04; CENTRAL;
TIS HAZARI COURTS; DELHI

Bail Application No.: 1159/2020

State v. Noman S/o Safiquddin
FIR No. : 0288/2020
PS: Chandni Mahal
U/S: 308, 323,34 IPC

15.09..2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
None for accused.

Arguments in detail already heard and today case is fixed for orders on the present regular bail application dated 10.09.2020.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no

: 2 :

reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception.

Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna**

Vs. State of Maharashtra, AIR 2014 SC 1745).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant

factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is falsely implicated in the present case. That nothing is recovered from his possession and recovery of brick is totally planted. That he has roots in the society. That complainant and accused are good friends. But some arguments broke between them and complainant himself got self injury in order to implicate the accused person. In the meanwhile, police patrol team reached and apprehended the accused. It is stated that no purpose would be served by keeping the accused in JC. That he is in JC since 07.09.2020. As such, it is prayed that he be granted regular bail.

On the other hand, it is stated in the reply filed by ASI Karamvir Singh, as also argued by the learned Addl.PP for the state, that there are serious and specific allegations against the present accused; that present accused wanted to the complainant to work with him and when he refused to do so, present accused alongwith his associates started beating him. That accused took a brick from the gali and hit on the head of the complainant and thereafter accused persons run away from the spot. That complainant was admitted in RML hospital. That accused is involved in many other cases. That his family has no control over him. That he is

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threatening the complainant side. That he may jump the bail if he is granted bail.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that offence is serious in nature. Further, investigation still on and at initial stage. Even, time to seek PC remand is not yet over. As such, this court is not inclined to grant regular bail to accused at this stage. **With these observations present bail application is disposed of as dismissed.**

Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further a copy of this order be sent to SHO/IO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
15.09.2020

Misc Application

State v Rohit s/o Prem Mohan
FIR No: 83/2020
PS: Kashmere Gate
U/s: 147, 148, 149, 186, 353, 279, 270, 436 IPC

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Chetanya Puri, learned counsel for applicant through VC.

Arguments in detail heard.

Put up for appropriate orders on the application for reduction of bail bond condition for **19/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Misc Application

State v Laddan s/o Md. Ismile

FIR No: 83/2020

PS: Kashmere Gate

U/s: 147, 148, 149, 186, 353, 279, 270, 436 IPC

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Chetanya Puri, learned counsel for applicant through VC.

Arguments in detail heard.

Put up for appropriate orders on the application for reduction of bail bond condition for **19/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Misc Application

State Vs Laddan etc.
(Application for release of accused Rohit (Subhash)
s/o Umesh Ram on personal bond)
FIR No: 83/2020
PS: Kashmere Gate
U/s: 147, 148, 149, 186, 353, 279, 270, 436 IPC

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Chetanya Puri, learned counsel for applicant through VC.

Arguments in detail heard.

Put up for appropriate orders on the application for release of applicant on personal bond for **19/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

BAIL APPLICATION

State v. Laddan etc.
(APPLICANT NIRMAL)

FIR No: 83/2020

PS: Kashmere Gate

U/S: 147,148,149,186,353,269,278,436 IPC

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Chetanya Puri, Ld. LAC for applicant/accused Nirmal
through VC.

An application for bail filed.

**Put up for reply from the IO, arguments and
appropriate orders on 20.09.2020 through VC.**

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Misc Application

State v Munna s/o Maamun
FIR No: 83/2020
PS: Kashmere Gate
U/s: 147, 148, 149, 186, 353, 279, 270, 436 IPC

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Chetanya Puri, learned counsel for applicant through VC.

Arguments in detail heard.

Put up for appropriate orders on the application for reduction of bail bond condition for **19/09/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

Misc. Application

**State v : Raj Bahadur & others
(Application of Vasudev)
FIR No: 130/2014
PS: Kamla Market**

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

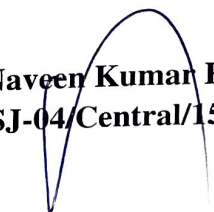
Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Vikas Padora, Learned counsel for accused through VC.

This is an application for cancellation of NBWs filed by the accused Vasudev.

In view of the submissions made in such application, NBWs issued on 29/07/2020 by this court have already been cancelled vide order of the Hon'ble High Court dated 28/07/2020.

In view of this, nothing remains in the present application. The same is disposed off accordingly.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020



Bail Application

**State v : Raj Bahadur & others
(Application of Vasudev)**

FIR No: 130/2014

PS: Kamla Market

U/s 419, 420, 365, 392, 412, 207, 120B, 34 IPC

15.09.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

**Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Vikas Padora, Learned counsel for accused through VC.**

Arguments has been address by the learned Addl.PP for the State relating to role of the present accused as well as previous bail application filed by the accused.

Put up for orders / clarification on the next physical hearing i.e. on 19/09/2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020**

MISC. Application

State v. Abdul Salam @ Wassim @ Tiggi
FIR no.: 02/2014
PS: Jama Masjid

15.09.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Asghar Khan, Ld. counsel for applicant through VC.

An application for release of FD is filed by applicant Adnan Hussain through counsel as it is prayed that such accused has surrendered back in jail after availing interim bail.

Report regarding surrender be called from Jail Superintendent concerned before proceeding further.

Put up on 25.09.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/15.09.2020

: 1 :

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04; CENTRAL:
TIS HAZARI COURTS; DELHI

INTERIM BAIL APPLICATION

State v. Sunil @ Ajay
FIR No. : 107/2020
PS: Nabi Karim
U/S: 394, 397, 34 IPC

15.09.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
Sh. P.K. Garg, Ld. Counsel for accused/applicant.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Vide this order the interim bail application dated 17.08.2020 filed by accused Sunil @ Ajay through counsel is disposed of.
3. Reply already filed by IO as well as by Jail Superintendent concerned.
4. Arguments already heard. Today, case was fixed for orders.
5. In nutshell, it is stated that he is falsely implicated in the present case and he is in JC since 10.04.2020. That he has fractured his hand in jail and he is not provided proper treatment in the jail and he is unable to do work from his hand. That he undertakes to surrender back timely after availing interim bail. As such, it is prayed that he be granted interim bail for 45 days.

: 2 :

6. On the other hand, in reply filed by IO as also argued by learned Addl. PP for the state that such accused has four other criminal involvements. That offence is very serious in nature punishable upto imprisonment for life. That he is not covered under the relaxed criteria given by High Power Committee. That his regular bail applications are already dismissed twice. That there are specific allegations against the accused.

7. Further, in reply dated 27.08.2020 from the Jail Superintendent concerned. It is submitted that such accused has alleged history of substance abuse (smack abuse) . He is under review from the Senior Psychiatrist for his complaint of body pain, decreased sleep, yawning in view of substance abuse. Further, he earlier made complaint regarding itching and under treatment for skin review. It is further stated that his general condition is stable on medication. No other medical condition is reported.


8. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.04.2020**. For the present type of offences, a relaxed criteria for interim bail is recommended by Hon'ble High Court on such date but it was further subject to such accused is suffering from HIV,cancer, chronic kidney dysfunction (requiring dialysis) , Hepatitis B or C, Ashtma and T.B.

It is not the case of accused that he himself is suffering from any of the disease. As such, the case of the present accused does not fall under the relaxed criteria given by the Hon'ble High Court.

9. Even otherwise on merit, it is not confirmed by Jail Superintendent concerned that he is having any problem in his hand. Even otherwise, this court do not find the ground on merit stated by the accused sufficient to admit him to interim bail. Further, it is not the case that he is or anybody in his barrack is suffering from corona virus. Further, offence is very serious in nature. As such, this court is not inclined to grant interim bail to the present accused. **With these observations, present interim bail application is dismissed.**

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10. **Counsel for accused/applicant is at liberty to collect the order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned.**


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
15.09.2020