

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

CC No.
PS: DBG Road
Sanjeev Upadhyay vs. Mukesh Jain
Application

05.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

Earlier the matters were being adjourned en bloc pursuant to the orders of Hon'ble High Court. Now, as per the directions of Hon'ble High Court Endst. No. 1977-2009/DHC/2020 dated 30.07.2020, the matters are being taken up for regular hearing through Video Conferencing. It be checked and registered.

Present: Sh. Omesh Kumar, Ld. Counsel for the complainant via Video Conferencing through Cisco Webex.

Heard. Perused.

It is informed by the Ld. Counsel for the complainant that the matter was reported to PS DBG Road.

Let status report/action taken report be called for NDOH.

Ahlmad is directed to send the copy of this order through WhatsApp/email of the complainant/Ld. Counsel and copy of this order shall be deemed as notice.

All parties shall appear before the Court during Court working hours through Cisco Webex by clicking URL/Link i.e. <https://delhidistrictcourts.webex.com/meet/cmmcentraldistrict.tishazari> Link is also available at the official website of Delhi District Courts.

Renotify for further proceedings on 17.09.2020.

The order be uploaded on the website forthwith.

ARUL
VARMA

**(Arul Varma)
CMM (Central), Delhi
05.08.2020**

FIR No. 180/2020
PS DBG Road
State Vs. Jai Prakash @ Prince
U/s. 379/411/34 IPC
05.08.2020

This is an application under Section 437 Cr.P.C received through E-mail as moved on behalf of the applicant/accused **Jai Prakash @ Prince** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video Conferencing through Cisco Webex.
Sh. Rahul Tandon, Ld. Counsel for the applicant/accused has been joined via Video Conferencing through Cisco Webex.

Reply of IO has been received through E-mail.

1. Ld Counsel for the accused has contended that accused was arrested in the present case and is in JC since 11.07.2020 and has already spent more than 15 days in judicial custody. Ld. Counsel has prayed that interim bail for a period of 45 days be granted to the accused in terms of minutes of High Powered Committee.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself,

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in case titled **Shobha Gupta & Ors. Vs. Union Of India & Ors W.P.(C) No.2945 of 2020** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-

- a Under trial prisoner is the first time offender;
- b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
- c Case is triable by Magistrate and
- d Under trial prisoner is in custody for last 3 months or more;
- e Under Trial Prisoner undergoing Civil imprisonment

The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.

5. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria

- a Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case**;
- b Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other**

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- case;
- c Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months with no involvement in any other case;**
 - d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
 - e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months with no involvement in any other case;**
 - f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months with no involvement in any other case;**
6. It has been submitted by Ld Counsel for the accused that the accused is in JC since 11.07.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
7. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail for a period of 45 days on furnishing personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
8. This order shall be treated as a Release Warrant. Ahlmad

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is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

The application stands disposed of.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

ARUL
VARMA

Digitally signed
by ARUL VARMA
Date: 2020.08.05
16:52:12 +0530

(Arul Varma)

CMM(Central)/THC/Delhi

05.08.2020