

Bail Application No.1927/21
FIR No.399/2021, P.S. Subzi Mandi
U/s 307/323/506/34 IPC
State Vs. Anil Kumar

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Anil Kumar under Section 439 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Abhishek Sonkar, Ld. Counsel for accused/applicant through VC.

Sh. V.V. Arya, Ld. Counsel for complainant Vinay Sharma through VC.

IO/ASI Rakesh Kumar through VC.

Ld. Counsel for accused has submitted that matter has been settled with the complainant/injured namely Vinay Sharma. He undertakes to file settlement deed on NDOH.

Let Copy of the settlement deed be given in advance to the IO, who shall verify the factum of settlement on NDOH. Complainant Vinay Sharma is directed through IO/Ld. Counsel for complainant to remain present on NDOH.

List for arguments on the application on 07.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021

Bail Application No.2012/21
FIR No.325/2021
P.S. Subzi Mandi
U/s 341/324/308 IPC
State Vs. Nazim

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Nazim under HPC guidelines for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Shorab Khan Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH. Also issue notice to the Jail Superintendent to furnish period of custody, nominal roll as well as Jail Conduct of the applicant/accused on NDOH.

List for arguments on the application on 03.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021

FIR No.36/21
P.S. Bara Hindu Rao
U/s 392/394/411 IPC
State Vs. Asif @ Lamboo

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Asif @ Lambu for modification/correction in order dated 28.07.2021.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Nitin Kumar, Ld. Counsel for
accused/applicant through VC.

Ld. Counsel for accused/applicant Asif @ Lambu submitted that vide order dated 28.07.2021 the accused was granted bail in the present case. Ld. Counsel further submitted that due to typographical mistake in the first page of the said order the Section mentioned as U/s 392/34 IPC in lieu of Under Section 392/394/411 IPC. Therefore, he prays that same may be corrected.

Order dated 28.07.2021 passed by undersigned perused. Reply of the IO also perused. In the reply of IO, it is

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FIR No.36/21
P.S. Bara Hindu Rao

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mentioned as U/s 392/394/411 IPC and in the application of the accused it is mentioned as under Section 392/394 IPC. It seems that in order dated 28.07.2021 due to typographical errors, it was written as Section 392/34 IPC. The order dated 28.07.2021 is hereby rectified and henceforth same be read as under Section **392/394/411 IPC**. Remaining contents in the order dated 28.07.2021 are unchanged. Today's order be read as part of order dated 28.07.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1915/21
FIR No. 115/21
U/s 394/397/34 IPC & 25/27/59 Arms Act
P.S. Wazirabad
State Vs. Hashim

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Hashim for grant of interim bail for a period of three months.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Tarun Upadhyay, Ld. Counsel for applicant through VC.

Order on Interim Bail Application

1. On the previous date of hearing, IO was directed to file the verification report qua medical condition of the wife of the applicant.
2. Reply of the IO received, wherein it has been mentioned that wife of the applicant is pregnant and date of delivery as mentioned on the emergency slip is 04.09.2021.

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3. In view of the report of IO regarding medical condition of the wife of applicant and advance stage of pregnancy and management, applicant is granted interim bail for a period of two months from the date of release, on furnishing bail bond and surety bond of Rs. 20,000/- with one surety of like amount to the satisfaction of Ld. CMM/Ld. MM/Ld. Duty MM as the case may be, subject to the conditions that:

- i. The accused shall surrender himself on expiry of the period of two months from date of release, by 10.00 AM in Tihar Jail with report in writing alongwith an affidavit through his counsel, to be filed in the court on the same day by 4:00 PM, regarding such compliance.
- ii. The applicant/accused is directed not to leave the country without prior permission of the Court.
- iii. The accused/applicant shall join investigation as and when called for.
- iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- vi. The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the accused is

trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

4. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the interim bail application stands disposed off.
5. The application moved for grant of interim bail to the applicant/accused Rajeev, stands disposed of.
6. Copy of this order be sent to the **Jail Superintendent through electronic mode**. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1945/21
FIR No. 180/21
U/s 379/356/34 IPC
P.S. Bara Hindu Rao
State Vs. Mohd. Azhar

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Mohd. Azhar for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Mohd. Khadim Khan, Ld. Counsel for applicant through VC.
IO/HC Harender is present through VC.
Repor of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant / accused submitted that applicant is not known as Zuber. Further it was submitted that no recovery would be effected from the applicant herein. Further applicant is in J/C since 22.06.2021. It was further submitted that FIR does not name the applicant as an accused, and that the applicant has been arrested merely on the disclosure statement of co-accused. Thus, he ought to be granted bail.
3. *Per contra*, Ld Addl. PP for the State alongwith the IO vehemently opposed the bail application as per law. It was pointed out that applicant was identified by the complainant and thus the issue of names and aliases do not matter. It was further submitted that co-accused Pawan is yet to be apprehended.
4. Submission heard and record perused.
5. A perusal of the record reveals that applicant herein played a instrumental role in snatching the phone of the complainant whereafter he ran away from the spot. The complainant has apparently identified applicant as one who snatched her mobile phone. The case property i.e. mobile phone has still not been recovered. Co-accused is yet to be apprehended.
6. Under these circumstances, taking into the account the nature of the offence, the fact that investigation is at its nascent stage and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby

dismissed.

7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1925/21
FIR No. 416/2021
U/s 498A/406/34 IPC
P.S. Wazirabad
State Vs. Amit Kumar

30.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Amit Kumar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Sanjay Kumar Singh, Ld. Counsel for applicant through VC.
IO/SI Neeraj Kumar is present through VC.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that applicant has joined the investigation, and even appeared before CAW Cell regularly. Ld. Counsel has vehemently contended that the present issue is a matrimonial dispute which applicant wants to amicably settle. Ld.

Counsel further expressed his willingness to settle the matter by going to the Mediation Centre. Ld. Counsel has further undertaken that application is ready to return all the dowry articles. Thus, applicant ought to be granted anticipatory bail.

3. *Per contra*, Ld. Addl. PP for the State alongwith IO vehemently opposed the present anticipatory bail application as per law. It was submitted that dowry articles have not been returned.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that she got married to the applicant on 29.01.2020. After some time of marriage the applicant and his family started demanding money and other items from the complainant. Complainant stated that she was not only beaten, harassed and tortured but also was abused physically and sexually by her husband.
5. In matters pertaining to matrimonial dispute, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

“23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for

setting the scores between the parties.

25. As per the discussions made above, this Court view that :

***Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with**

***The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.**

***Similarly, the Court while considering the bail under Section 437, 438,439 Cr.P.C. shall refused the bail in exceptional circumstances.**

*** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.**

***In the matrimonial cases bail is a rule and refusal is an exception.”**

6. Regarding the issue of cooperation with the investigating agencies, it would be apposite to reproduce the following extracts of **Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-**

7. “The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

(iii) **It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully**

cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”

8. The averments of Ld. Counsel for applicant that applicant wants to amicably settle the matter and willing to go to the Mediation Centre for settlement reflects that there is scope for hearts to melt and for the parties riven asunder to be restored to *status quo ante* position. Incarcerating the applicant may tantamount to crossing the Rubicon, for an arrest may obviate chances of reconciliation, if any. Thus, this Court does not deem it fit to allow apprehension of the applicant by the police at this juncture, so long as the applicant cooperates and joins the investigation as and when called for. Accordingly, applicant is granted anticipatory bail on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- b) The applicant is directed not to leave the country without intimation to the IO.
- c) The applicant shall join investigation as and when called for and shall return all the dowry articles.
- d) The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.

- e) The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him / her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
10. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.07.2021