

Bail Application No.1212/2021  
FIR No. 186/2012  
P.S. Burari  
U/s 420/34 IPC  
State Vs. Man Mohan Singh

11.08.2021

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 Manmohan Singh under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Daviender Hora, Ld. Counsel for accused/applicant through VC.

Ld. Counsel for accused/applicant seeks adjournment stating that he has been recently engaged. He has also filed V/N through email. Print out of the same is on record.

At request, re-list for arguments on the application on 18.08.2021.  
Interim order, if any, to continue till NDOH.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Bail Application No.2049/21  
FIR No. 17/2020  
P.S. Civil Line  
U/s 498A/406/506/376/323/34 IPC  
State Vs. Niyaz Mohd.

11.08.2021

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 Niyaz Mohd. under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Shahid Ahmed, Ld. Counsel for accused/applicant through VC.

TCR received.

Ld. Counsel for accused/applicant seeks adjournment for arguments on the maintainability of the present application specifically when the chargesheet has been filed without arrest.

List on 12.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Bail Application No.2095/2021  
FIR No. 543/21  
P.S. Burari  
U/s 308/341/506/34 IPC  
State Vs. Lala

11.08.2021

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.

**Fresh application moved for accused Lala under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of the application is on record.

Ld. Additional PP for the State submitted that she has not received the reply of the application.

Let notice of the application be issued to the State, and also sent reply to the State for the arguments.

At this juncture, Ld. Counsel for accused/applicant also states that he would be filing copy of the order dated 04.08.2021 whereby co-accused Pankaj Kumar has been granted bail.

List for arguments on the application on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Bail Application No.2096/2021  
FIR No. 543/21  
P.S. Burari  
U/s 308/341/506/34 IPC  
State Vs. Shiv Shanker @ Gela

11.08.2021

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.

**Fresh application moved for accused Shiv Shanker @ Gela under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of the application is on record.

Ld. Additional PP for the State submitted that she has not received the reply of the application.

Let notice of the application be issued to the State, and also sent reply to the State for the arguments.

At this juncture, Ld. Counsel for accused/applicant also states that he would be filing copy of the order dated 04.08.2021 whereby co-accused Pankaj Kumar has been granted bail.

List for arguments on the application on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Bail Application No.2097/2021  
FIR No. 543/21  
P.S. Burari  
U/s 308/341/506/34 IPC  
State Vs. Rashid

11.08.2021

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.

**Fresh application moved for accused Rashid under Section 438 Cr.P.C., for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of the application is on record.

Ld. Additional PP for the State submitted that she has not received the reply of the application.

Let notice of the application be issued to the State, and also sent reply to the State for the arguments.

At this juncture, Ld. Counsel for accused/applicant also states that he would be filing copy of the order dated 04.08.2021 whereby co-accused Pankaj Kumar has been granted bail.

List for arguments on the application on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Bail Application No.2094/21  
FIR No. 148/2021  
P.S. Timarpur  
U/s 370/120B/34IPC  
State Vs. Rajrani

11.08.2021

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.

**Fresh application moved for accused Rajrani under Section 439 Cr.P.C., for grant of bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Krishana Mohan, Ld. Legal aid counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

It has been submitted by Ld. Counsel for applicant/accused that accused is in an injured condition due to brutality of police officials of PS Timarpur. Accordingly, issue notice to the concerned Jail Superintendent to file the medical record of the accused, and also to provide the medical succour, if required.

List for arguments on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

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

Bail Application No. 1918/21

FIR No. 567/16

U/s 420/468/471 IPC R/w Sec. 14 of Foreigners Act

P.S. Burari

State Vs. Obeifoka Friday Okeke @ Obiora Tony Okeke

11.08.2021

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 for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anoop Kumar Gupta, Ld. Counsel for applicant through VC.

Report of IO received.

Ld. Counsel has placed on record judgments titled Starkl Ferdinand Vs. State (Customs), 2005 (32) AIC 193, Sartori Livio Vs. State (Delhi Admin.), 2005 (80) DRJ 482, Lambert Kroger Vs. Enforcement Directorate, 2000 (2) CCR 293, Indermohan Goswami Vs. State and R.D. Upadhyay Vs. State to substantiate his claim that if the accused is in J/C for more than two years in a cheating case, he ought to be granted bail.

Report of IO filed today is silent about the previous involvements of the applicant.

*Contd.....*

IO is directed to file complete report and SCRB regarding previous involvements of the applicant on NDOH.

Put up on 17.08.2021 for further arguments

Let TCR be also requisitioned for NDOH.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/11.08.2021**



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

Misc. Application No. 348/2021

FIR No. 204/21

U/s 308/323/506/452/34 IPC

P.S. Timarpur

State Vs. Rajeev

11.08.2021

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.

**Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Rajeev for extension of interim bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Sunil Tiwari, Ld. Counsel for applicant through VC.

Ld. Counsel for applicant has moved this application for extension of interim bail granted by this Court vide order dated 13.07.2021 on the grounds that wife of the applicant gave birth to a child on 30.07.2021 and that she needs proper care and medications for her treatment. He further submitted that there is no one in the house to take care of the mother and the newly born child.

Keeping in view the facts and circumstances of the this case and the averments made in the application, interim bail granted to the applicant is extended for a further period of one month with the same conditions as mentioned in the order dated 13.07.2021. He shall surrender himself on expiry

*Contd.....*

of the period of 30 days from the date of release by 10 AM in Tihar Jail with report in writing along with an affidavit through his counsel, to be filed in the Court on the same day by 4 PM regarding such compliance. Accordingly, application stands disposed off.

Order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/11.08.2021**

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

Bail Application No. 2038/21

FIR No. 488/2021

U/s 498A/406/34 IPC

P.S. Burari

State Vs. Ajeet Kumar Singh

11.08.2021

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 Ajeet Kumar Singh for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.

Sh. Ashok Barnwal, Ld. Counsel for applicant 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 is the father-in-law of the complainant and allegations levelled against the applicant is vague and useless. He further submitted that applicant has clean antecedents. He further submitted that complainant has not placed on record any medical documents regarding the allegations that

she has been physically assaulted by the applicant and his family members. He further submitted that since complainant had herself averred that applicant has sold the dowry articles, then there is no question arise to recover the dowry articles. He further submitted only utensils and clothes are lying with the applicant, which the applicant is ready and willing to handover to the complainant whenever she so desires. He further submitted that car which has been gifted by the family of the complainant has already been handed over to the complainant in the presence of police officials vide handing over memo. He further submitted that applicant has already joined the investigation.

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 are yet to be recovered.
4. Submission heard and record perused.
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:-**

“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.....”*

7. As per the report of the IO applicant has joined the investigation on 28.07.2021 and cooperating with the investigation. 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 remaining 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.

8. 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.
9. 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/11.08.2021**

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

Bail Application No. 2039/21  
FIR No. 488/2021  
U/s 498A/406/34 IPC  
P.S. Burari  
State Vs. Malti Devi

11.08.2021

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 Malti Devi for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.  
Sh. Ashok Barnwal, Ld. Counsel for applicant 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 is the mother-in-law of the complainant and allegations levelled against the applicant is vague and useless. He further submitted that applicant has clean antecedents. He further submitted that complainant has not placed on record any medical documents regarding the allegations that



she has been physically assaulted by the applicant and her family members. He further submitted that since complainant had herself averred that applicant has sold the dowry articles, then there is no question arise to recover the dowry articles. He further submitted only utensils and clothes are lying with the applicant, which the applicant is ready and willing to handover to the complainant whenever she so desires. He further submitted that car which has been gifted by the family of the complainant has already been handed over to the complainant in the presence of police officials vide handing over memo. He further submitted that applicant has already joined the investigation.

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 are yet to be recovered.
4. Submission heard and record perused.
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:-**

“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.....”*

7. As per the report of the IO applicant has joined the investigation on 28.07.2021 and cooperating with the investigation. 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 remaining dowry articles.
- d) The applicant is directed to give all her 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 she changes the address she 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.

8. 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.
9. 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/11.08.2021**

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

Bail Application No. 2035/21  
FIR No. 488/2021  
U/s 498A/406/34 IPC  
P.S. Burari  
State Vs. Rahul Thakur

11.08.2021

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 Rahul Thakur for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.  
Sh. Ashok Barnwal, Ld. Counsel for applicant 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 is the husband of the complainant and allegations levelled against the applicant is vague and useless. He further submitted that applicant has clean antecedents. He further submitted that complainant has not placed on record any medical documents regarding the allegations that

she has been physically assaulted by the applicant and his family members. He further submitted that since complainant had herself averred that applicant has sold the dowry articles, then there is no question arise to recover the dowry articles. He further submitted only utensils and clothes are lying with the applicant, which the applicant is ready and willing to handover to the complainant whenever she so desires. He further submitted that car which has been gifted by the family of the complainant has already been handed over to the complainant in the presence of police officials vide handing over memo. He further submitted that applicant has already joined the investigation.

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 are yet to be recovered.
4. Submission heard and record perused.
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:-**

“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.....”*

7. As per the report of the IO applicant has joined the investigation on 28.07.2021 and cooperating with the investigation. 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 remaining 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.

8. 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.
9. 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/11.08.2021**

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

Bail Application No. 2037/21  
FIR No. 488/2021  
U/s 498A/406/34 IPC  
P.S. Burari  
State Vs. Rohit Thakur

11.08.2021

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 Rohit Thakur for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for the State through VC.  
Sh. Ashok Barnwal, Ld. Counsel for applicant 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 is the brother-in-law (Devar) of the complainant and allegations levelled against the applicant is vague and useless. He further submitted that applicant has clean antecedents. He further submitted that complainant has not placed on record any medical documents regarding the

allegations that she has been physically assaulted by the applicant and his family members. He further submitted that since complainant had herself averred that applicant has sold the dowry articles, then there is no question arise to recover the dowry articles. He further submitted only utensils and clothes are lying with the applicant, which the applicant is ready and willing to handover to the complainant whenever she so desires. He further submitted that car which has been gifted by the family of the complainant has already been handed over to the complainant in the present of police officials vide handing over memo. He further submitted that applicant has already joined the investigation.

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 are yet to be recovered.
4. Submission heard and record perused.
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:-**

“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.....”*

7. As per the report of the IO applicant has joined the investigation on 28.07.2021 and cooperating with the investigation. 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 remaining 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.

8. 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.
9. 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/11.08.2021**

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

Bail Application No. 2083/21

FIR No. 431/2021

U/s 420 IPC

P.S. Subzi Mandi

State Vs. Yogesh Tiwari

11.08.2021

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 Yogesh Tiwari for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anil Kumar Mishra, Ld. Counsel for applicant through VC.

Complainant is also present through VC.

Report 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 in J/C since 27.07.2021. Ld. Counsel further submitted that applicant has no previous involvement. He further submitted that charge sheet has already been filed in this case. He further submitted that applicant is a

student and pursuing his B.A.

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the bail application as per law. It was submitted that applicant has cheated the complainant for a sum of Rs. 24,290/- which has been recovered from the father of the applicant.
4. Submission heard record perused.
5. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraph.
6. Court has interacted with the complainant and complainant states that she has already received the amount which has been taken by the applicant by cheating. She further states that she has no objection if the bail is granted to the applicant. She further submitted that she is a law student and applicant is also a student.
7. Under these circumstances, keeping in view the fact that cheated amount has already been recovered from the applicant's father and handed to the complainant and the fact that complainant do not have objection if bail is granted to the applicant coupled with the fact that



applicant has clean antecedents, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Yogesh Tiwari is admitted on bail 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. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
  - ii. He shall not hamper the trial or investigation in any manner.
  - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
  - iv. He shall join the investigation/attend trial without default.
8. 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.
9. 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/11.08.2021**

Misc. application No.351/2021  
ITO Vs. Shaurya Housing Ltd. & Anr.  
(Applicant namely Sarvjeet Paul Bajaj)

11.08.2021

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.

**Fresh application moved for accused Sarvjeet Paul Bajaj under Section 440 Cr.P.C., for reduction of surety amount of FDR/ or for furnishing personal bond with lesser amount.**

Present: None for ITO.  
Sh. Sabyasachi Mishra, Ld. Counsel for accused/applicant through VC.

Ld. Counsel for applicant submitted that accused was granted bail vide order dated 23.07.2021 on furnishing of bail bonds for a sum of Rs.50,000/- with one surety of like amount, and also subject to deposition of FDR of Rs.2 lacs. Ld. Counsel further submitted that accused is unable to furnish the said amount of FDR, and also not able to furnish sound surety due to financial constrains.

Submissions heard.

Let notice be issued to the Sh. Manmeet Singh Arora, Ld. Special Public Prosecutor to file the reply of the application specifically with regard to the financial condition of the applicant/accused for NDOH.

List for arguments on the application on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Misc. application No.352/2021  
ITO Vs. Shaurya Housing Ltd. & Anr.  
(Applicant namely Sarvjeet Paul Bajaj)

11.08.2021

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.

**Fresh application moved for accused Sarvjeet Paul Bajaj under Section 440 Cr.P.C., for reduction of surety amount of FDR/ or for furnishing personal bond with lesser amount.**

Present: None for ITO.  
Sh. Sabyasachi Mishra, Ld. Counsel for accused/applicant through VC.

Ld. Counsel for applicant submitted that accused was granted bail vide order dated 23.07.2021 on furnishing of bail bonds for a sum of Rs.50,000/- with one surety of like amount, and also subject to deposition of FDR of Rs.2 lacs. Ld. Counsel further submitted that accused is unable to furnish the said amount of FDR, and also not able to furnish sound surety due to financial constrains.

Submissions heard.

Let notice be issued to the Sh. Manmeet Singh Arora, Ld. Special Public Prosecutor to file the reply of the application specifically with regard to the financial condition of the applicant/accused for NDOH.

List for arguments on the application on 13.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021

Mis. CrI. No. .347/2021  
FIR No. 643/2020  
P.S. Wazirabad  
U/s 323/447/354/354(A)  
/354(B)/427/379/509/34 IPC  
State Vs. Rajiv Kumar

11.08.2021

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 necessary modification in the order dated 07.08.2021 passed in bail application no. 840/2021.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Gurmeet Singh, Ld. Counsel for accused/applicant through VC.

At this juncture, Ld. Counsel for applicant submits that he desires to withdraw the present application with liberty to move the fresh application. In view of submissions of Ld. Counsel for applicant, present application is dismissed as withdrawn with liberty to move appropriate application.

Copy of order be uploaded on the website.

**(Arul Varma)**  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/11.08.2021