

**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. 567/2016

U/s 420/468/471 IPC R/w Section 14 Foreigners Act and
Section 12 of Passport Act

P.S. Burari

State Vs. Obeifoka Friday Okeke @ Obiora Tony Okeke

19.07.2021

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.

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

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

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

Let report of IO be called for 29.07.2021.

IO is also directed to verify the medical documents and report on NDOH.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021

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

Bail Application No. 1919/21
FIR No. 35/2021
U/s 328/366/376/343/34 IPC
P.S. Wazirabad
State Vs. Sudha

19.07.2021

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.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Mahender Singh, Ld. Counsel for applicant through VC.
Let report of IO be called for 29.07.2021.
TCR be also called for the NDOH.
Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021

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

Bail Application No. 1920/21

FIR No. 136/21

U/s 392/394/34 IPC

P.S. Roop Nagar

State Vs. Sonu @ Suraj

19.07.2021

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.

Fresh application u/s 439 Cr.P.C. has been filed on behalf of accused Sonu @ Suraj for grant of interim bail.

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

Sh. Salimuddin, Ld. Counsel for applicant through VC.

Let report of IO be called for 29.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021**

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

Bail Application No. 1921/21

E-FIR No. 4992/2020

U/s 379/411 IPC

P.S. Maurice Nagar

State Vs. Sagar

19.07.2021

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.

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

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

Sh. Yunit Pal, Ld. Counsel for applicant through VC.

Let report of IO be called for 29.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021**

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

Bail Application No. 946/2021

FIR No. 124/2021

U/s 420/120B/34 IPC

P.S. Subzi Mandi

State Vs. Hari Pal Singh

19.07.2021

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 Hari Pal Singh for grant of anticipatory bail.

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

Ms. Sarika Jain, Ld. Proxy Counsel for Sh. S.L. Sagar, Ld. Counsel for applicant through VC.

Sh. C.S. Parashar, Ld. Counsel for complainant through VC.

Ld. Proxy counsel for applicant seeks adjournment stating that main counsel is not available today due to death in his family. Adjournment granted.

Put up for arguments on 29.07.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021

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

Bail Application No. 961/2021

FIR No. 124/2021

U/s 420/120B/34 IPC

P.S. Subzi Mandi

State Vs. Om Pal Singh

19.07.2021

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 Om Pal Singh for grant of anticipatory bail.

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

Ms. Sarika Jain, Ld. Proxy Counsel for Sh. S.L. Sagar, Ld. Counsel for applicant through VC.

Sh. C.S. Parashar, Ld. Counsel for complainant through VC.

Ld. Proxy counsel for applicant seeks adjournment stating that main counsel is not available today due to death in his family. Adjournment granted.

Put up for arguments on 29.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021**

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

Bail Application No. 1922/21

FIR No. 351/2021

U/s 379/411 IPC

P.S. Wazirabad

State Vs. Shahjad

19.07.2021

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.

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

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

Sh. Rahmat Siddiqui, Ld. Counsel for applicant through VC.

Let report of IO be called for 29.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021**

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

Bail Application No. 2994/2021

FIR No. 385/21

U/s 392/394/411/34 IPC

P.S. Sarai Rohilla

State Vs. Vicky Goel

19.07.2021

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 Vicky Goel for grant of regular bail.

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

Sh. S.P. Sharma, Ld. Counsel for applicant through VC.

IO/ASI Krishan Chander is present through VC.

Reply of the IO has been received.

At request, matter be listed before the court of Sh. Ankit Singla, Ld. ASJ for 20.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021**

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

Bail Application No. 2965/2021
FIR No. 377/2018
U/s 420/34 IPC
P.S. Karol Bagh
State Vs. Deepak Kumar Malhotra

19.07.2021

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 Deepak Kumar Malhotra for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vineet Chadha, Ld. Counsel for applicant through VC.
IO/SI Mohit Asiwali, is present through VC.
Written arguments on behalf of complainant filed.
At request, matter be listed before the court of Sh. Ankit Singla,
Ld. ASJ for 20.07.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021

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

Bail Application No. 962,/21, 959/21, 963/21, 2048/21 & 960/21
FIR No. 546/2020
U/s 498A/406/34 IPC
P.S. Wazirabad

State Vs. 1. Tale Singh, 2. Kushma, 3. Pooja, 4. Lalit Kumar & 5. Rachna

19.07.2021

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 five applications u/s 438 Cr.P.C. have been filed on behalf of above mentioned applicants for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Satish Chand Ld. Counsel for all the applicants through VC.
Sh. Anil Khosla, Ld. Counsel for complainant through VC.
IO/ASI Sukhpal Singh is present through VC.

Matter is listed for hearing arguments on anticipatory bails.

At the very outset, Ld. Addl. PP for the State has submitted that in terms of judgment titled *M/s Gati Ltd. Vs. T. Nagarajan Piramiajee & Anr., Crl. Appeal No. 870 of 2019 decided by Hon'ble Supreme Court of India on 06.05.2019*, the matter should not be heard by this Court as previous anticipatory bail applications in the present matter have already been dealt by Sh. Naveen Kumar Kashyap, Ld. ASJ.

Contd.....

Both the parties do not have objection if the matter is transferred to the Court of Sh. Naveen Kumar Kashyap, Ld. ASJ.

Accordingly, let the file be put up before Ld. District & Sessions Judge (HQ), Delhi with a request to transfer the same to the Court of Sh. Naveen Kumar Kashyap, Ld. ASJ.

Put up on 20.07.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/19.07.2021

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

Bail Application No. 2440/2021
FIR No. 275/2021
U/s 379/34 IPC
P.S. Wazirabad
State Vs. Dheeraj Kumar Beniwal

19.07.2021

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 Dheeraj Kumar Beniwal for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. S.N. Bhagat, Ld. Counsel for applicant through VC.
IO has not joined the proceedings.

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 has submitted that the complainant took a contradictory stance at the time of filing of

complaint, and during investigation of the case. It has been submitted that applicant / accused has been falsely implicated in the present matter. It has been submitted that applicant is youthful offender of the age between 20 – 21 years. It was strenuously contended by Ld. Counsel for applicant / accused that description of currency was not mentioned by the complainant, and thus the applicant / accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State has vehemently opposed the present anticipatory bail application as per law. It has been submitted that TIP is yet to be conducted.
4. Submissions heard and record perused.
5. A perusal of the record reveals that, as per the reply of the IO, the applicant/accused alongwith his associates committed the offence of robbery against the complainant. According to the IO, the complainant was made to sit on the back seat of the car and all the accused persons gave him beatings and committed robbery of the money belonging to the complainant. However, a perusal of the FIR, which was registered at the very first instance, is conspicuously silent on these allegations. A perusal of FIR would reveal that the complainant has nowhere mentioned the allegations of beatings and has merely stated that an amount of Rs. 4,500/- was missing from the dashboard of the car, after he had dropped the applicant / accused and his associates.

6. Accordingly, keeping in mind the young age of the applicant/accused, inconsistencies in the stance of the complainant, as have been brought out at this stage, and the fact, as stated by Ld. Counsel for applicant that the applicant is joining investigation, this Court deems it fit to grant anticipatory bail to the applicant Dheeraj Kumar Beniwal 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. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- b) The applicant is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The applicant shall join investigation as and when called for.
- 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.

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 anticipatory 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/19.07.2021

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

Bail Application No. 1326/2021
FIR No. 275/2021
U/s 379/34 IPC
P.S. Wazirabad
State Vs. Sahil Ghalot

19.07.2021

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 PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. S.N. Bhagat, Ld. Counsel for applicant through VC.
IO has not joined the proceedings.

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 has submitted that the complainant took a contradictory stance at the time of filing of

complaint, and during investigation of the case. It has been submitted that applicant / accused has been falsely implicated in the present matter. It has been submitted that applicant is youthful offender of the age between 20 – 21 years. It was strenuously contended by Ld. Counsel for applicant / accused that description of currency was not mentioned by the complainant, and thus the applicant / accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State has vehemently opposed the present anticipatory bail application as per law. It has been submitted that TIP is yet to be conducted.
4. Submissions heard and record perused.
5. A perusal of the record reveals that, as per the reply of the IO, the applicant/accused alongwith his associates committed the offence of robbery against the complainant. According to the IO, the complainant was made to sit on the back seat of the car and all the accused persons gave him beatings and committed robbery of the money belonging to the complainant. However, a perusal of the FIR, which was registered at the very first instance, is conspicuously silent on these allegations. A perusal of FIR would reveal that the complainant has nowhere mentioned the allegations of beatings and has merely stated that an amount of Rs. 4,500/- was missing from the dashboard of the car, after he had dropped the applicant / accused and his associates.

6. Accordingly, keeping in mind the young age of the applicant/accused, inconsistencies in the stance of the complainant, as have been brought out at this stage, and the fact, as stated by Ld. Counsel for applicant that the applicant is joining investigation, this Court deems it fit to grant anticipatory bail to the applicant Sahil Ghalot 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. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- b) The applicant is directed not to leave NCT of Delhi without prior permission of the Court.
- c) The applicant shall join investigation as and when called for.
- 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.

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 anticipatory 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/19.07.2021

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

BAIL APPLICATION NO. 964/21

FIR NO. 254/21

U/S 376 IPC

P.S. Burari

State vs Saurabh Singh Thakur

19.07.2021

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 PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

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

Present: Sh. Rajat Kalra, Ld. Addl. PP for the State through VC.
Sh. Anurag Sharma, Ld. Counsel for applicant through VC.
Sh. Sandeep Mishra, Ld. Counsel for complainant through VC.
IO/SI Satender Singh is present though VC.

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 been falsely implicated in the present case by the complainant with

ulterior motive to wreak vengeance. Applicant has never made any promise to marry her and physical relations have been established between them with the consent of prosecutrix. He further submitted that applicant has clean antecedents. He further submitted that prosecutrix is a mature girl of 21 years old. He has relied upon the following judgments:-

- a. ***Uday Vs. State of Karnatka, 2003 (2) (Cr.) 99***
 - b. ***X Vs. State (Govt. of NCT of Delhi) & Anr., CrI. A. 613/2020 & CrI. M.A. 16968/2020 decided by Hon'ble High Court of Delhi on 15.12.2020.***
 - c. ***Manju Garg & Anr. Vs. State, Bail Application No. 1161/2021 decided by Hon'ble High Court of Delhi on 22.03.2013***
3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld Counsel for the Complainant, vehemently opposed the anticipatory bail application. It has been submitted that a heinous offence has been committed and that accused has not been joining investigation, and to secure his presence, process u/s 82 Cr.P.C. has already been initiated. It was also submitted that the complainant is being threatened and in fact, the accused has registered an FIR of theft against the complainant herein. Ld. Addl. PP for the State had also pointed out that there is huge age gap between the victim and the accused. Lastly, it was submitted that mobile phone of the complainant is in the custody of accused, and there are apprehensions that he may misuse the data contained therein.
4. Submission heard and record perused.

5. At this juncture, it would be apposite to reproduce the following extracts of ***Bhadresh Bipinbhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

“(x) The following factors and parameters need to be taken into consideration while dealing with anticipatory bail:

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of [Sections 34](#) and [149](#) of the Penal Code, 1860 the court should consider with even greater care and caution, because overimplication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

6. In this context, it would also 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. Ordinarily the judgments referred to by Ld. Counsel for applicant would have weighed in the mind of the Court while adjudicating the bail

application, however, certain facts have been brought to the fore by Ld. Addl. PP for the State, assisted by Ld. Counsel for the complainant, which merit attention.

8. Perusal of record reveals that the victim herein is a girl aged around 19 years, as stated by the IO, who apparently was residing without her guardian, whereas accused is a man aged 31 years, running his own business. Even though the girl has attained majority in the eyes of law, it is difficult to overlook the age gap that exists between her and the accused herein. There are allegations made by the complainant that the accused established physical relations on the pretext of marriage and then accused herein refused to marry her as she did not belong to his caste. Further, during the course of arguments, IO had submitted that the accused was trying to pressurize the complainant by registering an FIR against her. It has also been brought on record that the accused has not been joining investigation, and proceedings u/s 82 Cr.P.C. have also been initiated against him.

9. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

10. 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.

11. 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/19.07.2021