

Bail Application No.940/2021  
CNR No.DLCT01-005475-2021  
FIR No.375/2020  
PS Subzi Mandi  
U/s 420/34 IPC  
State Vs. Deepak Gupta

22/06/2021

Present 1<sup>st</sup> application u/s. 438 Cr.P.C. has been filed on behalf of accused Deepak Gupta for grant of anticipatory bail.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/SI Rahul Raushan is present through V.C.  
Sh. Ravi Drall, Ld. Counsel for the accused Deepak Gupta (through V.C.).

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

Reply to the aforesaid bail application of the accused is filed.

It is submitted by the IO that reply from the concerned Department is still awaited.

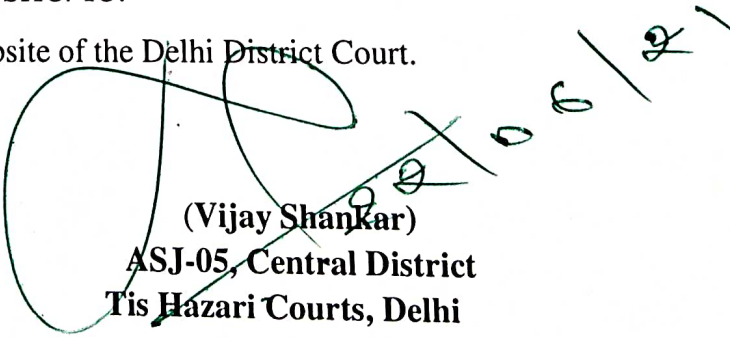
SHO/ IO is directed to file further/ detailed reply on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 20/07/2021. Date of 20/07/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 20/07/2021.

Interim order, if any, to continue till next date of hearing. Accused is directed to join the investigation as and when directed by the SHO/ IO.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

State Vs. Love Tyagi @ Luv Tyagi  
FIR No.193/2020  
PS Wazirabad  
U/s 392/411/34 IPC

22/06/2021

Present application u/s. 438 Cr.P.C. has been filed on behalf of accused Love Tyagi @ Luv Tyagi for grant of anticipatory bail.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Mukesh Kumar Kalia, Ld. Counsel for the accused Love Tyagi @ Luv Tyagi (through V.C.).

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

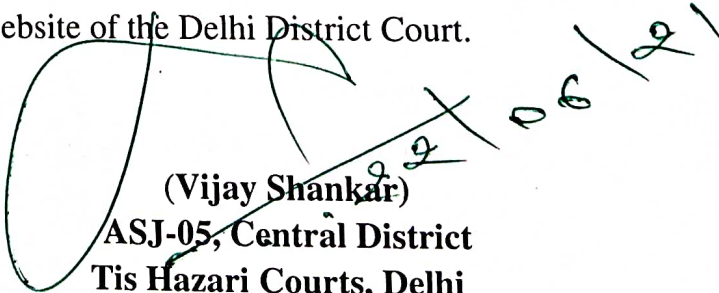
IO has not joined the proceedings through V.C. despite bound down for today. He is absent without any intimation or explanation.

Issue notice to the IO with direction to appear with appropriate explanation regarding his non-appearance, for the next date of hearing.

Issue notice to the SHO/ IO to file further/ detailed report for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 01/07/2021. Date of 01/07/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**FIR No. Not Known  
PS Wazirabad  
U/s Unknown  
State Vs. Manoj Tyagi**

22/06/2021

**Present application u/s. 438 Cr.P.C. has been filed on behalf of applicant Manoj Tyagi for grant of anticipatory bail.**

**( Proceedings Convened through Video Conferencing)**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Harish Kumar, Ld. Counsel for the applicant Manoj Tyagi (through V.C.).

**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

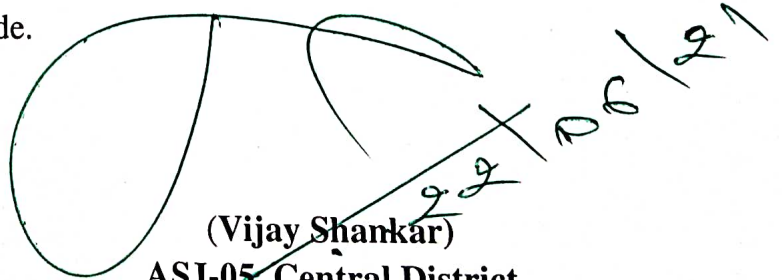
Reply to the aforesaid bail application is stated to be filed.

It is submitted by counsel for the applicant that in view of the report filed by SI Renu, he may be permitted to withdraw the present anticipatory bail application of the applicant. Heard. Request is allowed.

At the request of counsel for the applicant, the present anticipatory bail application of the applicant Manoj Tyagi is dismissed as withdrawn.

Order be uploaded on the website of the Delhi District Court.

Ld. Counsel for the applicant Manoj Tyagi is at liberty to collect the copy of the present order through electronic mode.



**(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)**

Bail Application No.2041/2021  
FIR No.51/2021  
PS Civil Lines  
U/s 498-A/406 IPC  
State Vs. Hari Om Diwakar

22/06/2021

**Present 2<sup>nd</sup> application u/s. 439 Cr.P.C. has been filed on behalf of accused Hari Om Diwakar for grant of regular bail.**

**( Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Hemant Kumar Singh, Ld. Counsel for the accused Hari Om Diwakar (through V.C.).  
Sh. Gaurav Bhardwaj, Ld. Counsel for the complainant (through V.C.).

**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

IO has not joined the proceedings through V.C. despite bound down for today. She is absent without any intimation or explanation.

Issue notice to the IO with direction to appear with appropriate explanation regarding her non-appearance, for the next date of hearing.

TCR is stated to be not received from the Ld. Concerned Court. Ahlmad of the Ld. Concerned Court is directed to furnish appropriate explanation, on or before the next date of hearing, as to why he has not sent the TCR despite directions. Ahlmad of the Ld. Concerned Court is directed to send the TCR positively before the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 02/07/2021. Date of 02/07/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.98/2021  
PS Burari  
U/s 307/411/120-B/34 IPC  
State Vs. Amit Mehra

22/06/2021

Present 1<sup>st</sup> application u/s. 439 Cr.P.C. has been filed on behalf of accused  
Amit Mehra for grant of regular bail.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

IO has not joined the proceedings through V.C.

Mr. Farahim Khan, Ld. Counsel for the accused Amit Mehra (through  
V.C.).

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting  
proceedings via video conferencing through Cisco Webex App.

TCR is received.

There is no report of the Bail Section regarding issuance of notice to the IO.  
Bail Section is directed to issue the notice positively for the next date of hearing.

Issue notice to the IO for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application  
of the accused be put up for consideration on 02/07/2021. Date of 02/07/2021 is given at  
the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

Bail Application No.2670/2021  
FIR No.331/2021  
PS Subzi Mandi  
U/s 33/58 Delhi Excise Act  
State Vs. Rahul Yadav

22/06/2021

Present 1<sup>st</sup> application u/s. 439 Cr.PC for grant of regular bail has been filed on behalf of the accused Rahul Yadav.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/HC Ajay Kumar is present (through V.C.).  
Sh. Manoj Tyagi, Ld. Counsel for accused Rahul Yadav (through V.C.).

**Ahlmad is absent.**

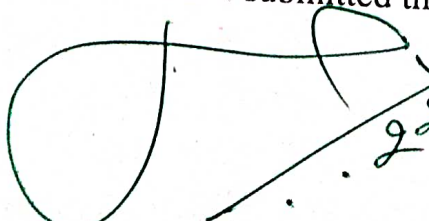
Reply of the bail application has been filed by the IO.

By way of present order, this Court shall disposed of bail application u/s. 439 Cr.P.C. of the accused Rahul Yadav.

Arguments heard on the aforesaid bail application of the accused Rahul Yadav. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Rahul Yadav that the present bail application is the first bail application of the accused before Sessions Court and no other bail application of the accused is pending before any other Court. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused and accused is no more required for the purpose of further investigation. It was further submitted that the recovery has been falsely planted upon the accused. It was further submitted that accused is in J/C since 02/06/2021 and bail be granted to accused and the accused shall join the investigation as and when directed by SHO/IO. It was further submitted that accused shall be abide by all terms and conditions imposed by this court.

During the course of arguments, it was submitted by Ld. Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that the accused was found in

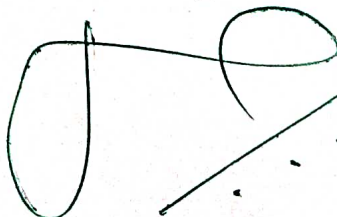
  
22/06/21 Contd.....2/-

possession of 120 quarter bottles and 10 boxes / Peties containing illicit liquor. It was further submitted that there is sufficient incriminating material against the accused and bail application of accused Rahul Yadav be dismissed.

It is submitted by the IO that accused is no more required for the purpose of further investigation.

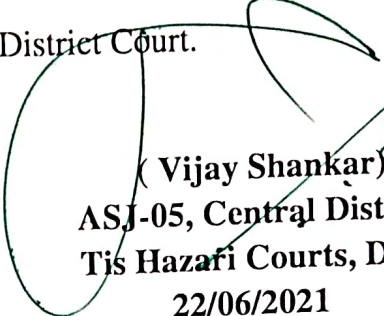
The allegations against the accused are that he was found in possession of 120 quarter bottles and 10 boxes / Peties of illicit liquor. Recovery has already been effected in the present case. Accused is in J/C since 02/06/2021. As per IO, accused is no more required for the purpose of further investigation. No useful purpose will be served by keeping the accused behind the bars. Considering the facts, circumstances and in view of the submissions made, bail application of accused Rahul Yadav is allowed and accused is admitted to court bail on furnishing personal bond and surety bond in the sum of Rs. 25,000/- with one surety of like amount to the satisfaction of the learned concerned MM/Link MM/Duty MM subject to the conditions that:-

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the court;*
- vi) Accused shall also provide his/her mobile number to the IO;*
- vii) Accused shall keep his / her such mobile number 'Switched On' at all the time till the chargesheet is filed;*
- viii) Accused shall co-operate with the investigating agency and shall join the investigation as and when directed by SHO/IO concerned;*
- ix) Accused shall not indulge in any kind of criminal activities;*

 22/06/21 Contd.....3/-

*x) Accused shall regularly appear before Ld. Trial Court on each and every date of hearing;*

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode. Copy of order be also sent to the Ld. concerned court / MM. Order be uploaded on the website of Delhi District Court.

  
( Vijay Shankar )  
ASJ-05, Central District  
Tis Hazafi Courts, Delhi  
22/06/2021



State Vs. Tanish Dhiman  
FIR No.348/2021  
PS Burari  
U/s 392/34 IPC

22/06/2021

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

( Proceedings Convened through Video Conferencing )

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/SI Suresh Bhatia is present (through V.C.).  
Sh. Amit Nayyar, Ld. Counsel for the accused Tanish Dhiman (through V.C.).

Ahlmad is absent.

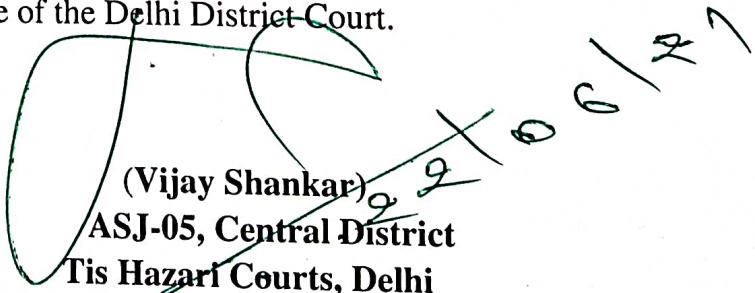
This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

IO seeks time for filing the status of all pending cases against the accused. Heard. Request is allowed. IO is directed to file further/ detailed reply and status of all pending cases against the accused on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put for consideration on 02/07/2021. Date of 02/07/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 02/07/2021.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.357/2021  
PS Wazirabad  
U/s 392/34 IPC  
State Vs. Sandeep Tanwar

22/06/2021

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

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

IO has not joined the proceedings through V.C.

Sh. Varun Sakhuja, Ld. Counsel for the accused Sandeep Tanwar (through V.C.).

Ahlmad is absent.

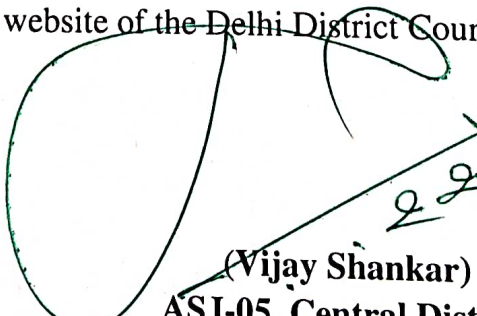
This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

Further reply to the aforesaid bail application of the accused is stated to be received.

Issue notice to the IO to appear, for the next date of hearing. In case, IO fails to appear on the next date of hearing, then the concerned SHO is directed to appear, on the next date of hearing.

At request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**State Vs. Deepak  
FIR No.98/2020  
PS Burari  
U/s 394/34 IPC**

22/06/2021

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

**( Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.

IO has not joined the proceedings through V.C.

Sh. Satish Kumar, Ld. Counsel for the accused Deepak (through V.C.).

**Ahlmad is absent.**

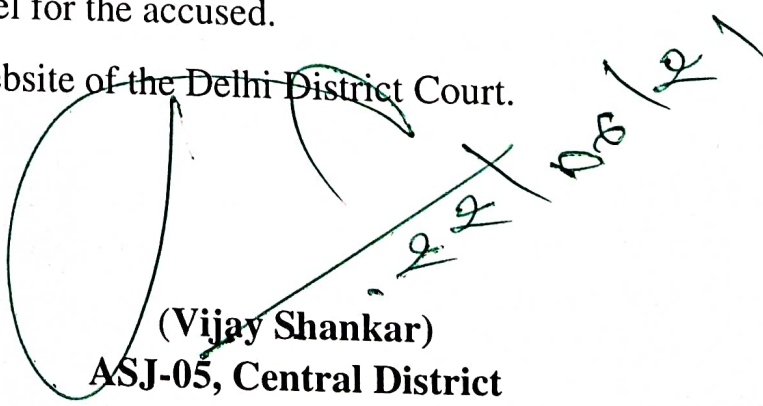
**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

TCR is received.

Issue notice to the IO for the purpose of clarifications for the next date of hearing.

At request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
**(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)**

**FIR No.39/2021  
PS Civil Lines  
U/s 420/34 IPC  
State Vs. Moveen**

22/06/2021

**Present application u/s. 439 Cr.P.C. has been filed on behalf of accused Moveen for grant of interim bail for the period of one month.**

**( Proceedings Convened through Video Conferencing )**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ Inspector Rupesh Kumar Khatri is present (through V.C.).  
Sh. Arun Bhushan, Ld. Counsel for the accused Moveen (through V.C.).  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Reply to the aforesaid bail application of the accused is stated to be filed.

It is submitted by counsel for the accused that in the present case, charge-sheet and supplementary charge-sheet have already been filed and same are pending before the concerned Ld. MM.

Main charge-sheet and supplementary charge-sheet be called for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 29/06/2021.

Order be uploaded on the website of the Delhi District Court.

**(Vijay Shankar)**  
**ASJ-05, Central District**  
**Tis Hazari Courts, Delhi**  
**22/06/2021(G)**

**State Vs. Deepak**  
**FIR No.348/2021**  
**PS Burari**  
**U/s 392/34 IPC**

22/06/2021

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

**( Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.)  
IO/ SI Suresh Bhatia is present (through V.C.).  
Sh. A.V. Shukla, Ld. Counsel for the accused Deepak (through V.C.).  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Reply to the aforesaid bail application of the accused is stated to be received.

IO seeks time for filing the status of all pending cases against the accused. Heard. Request is allowed. IO is directed to file further/ detailed reply and status of all pending cases against the accused on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put for consideration on 02/07/2021. Date of 02/07/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 02/07/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**Bail Appl. No.1128/2021**  
**State Vs. Ghanshyam @ Budha**  
**FIR No.195/2020**  
**PS Roop Nagar**  
**U/s 394/411/34 IPC**

22/06/2021

**Present bail application u/s 439 Cr.P.C. has been filed on behalf of accused Ghanshyam @ Budha for grant of regular bail.**

**(Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
None has joined the proceedings (through V.C.) on behalf of the accused.

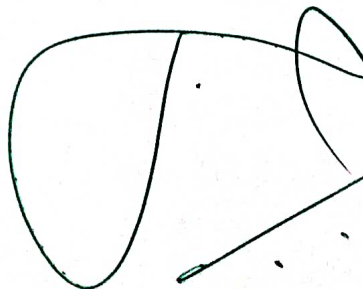
**Ahlmad is absent.**

TCR is already received.

By way of present order, this Court shall disposed of bail application u/s. 439 Cr.P.C. of the accused Ghanshyam @ Budha.

Arguments have already been heard on the aforesaid bail application of accused Ghanshyam @ Budha. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Ghanshyam @ Budha that the present bail application is the first bail application of the accused before Sessions Court after filing of the charge-sheet and no other bail application of the accused is pending before any other Court. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as the charge-sheet has already been filed in the present case and same is pending before the concerned Ld. MM. It was further submitted that no recovery has been effected from the possession of the accused. It was further submitted that accused is in J/C

  
22/06/21

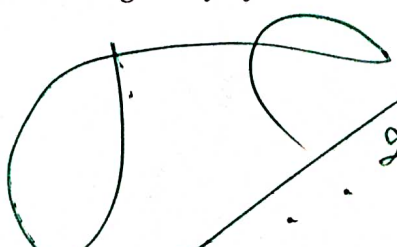
since 15/08/2020 and no useful purpose will be served by keeping the accused behind the bars and bail be granted to accused and accused shall be abide by all terms and conditions imposed by the court.

During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that in the present case, charge is yet to be framed and complainant/ public witnesses are yet to be examined and if the bail is granted to the accused, he can tamper with the evidence and influence the witnesses. It was further submitted that accused is habitual offender and he is involved in other criminal case. It was further submitted that there is sufficient incriminating material available on record against the accused and bail application of accused Ghanshyam @ Budha be dismissed.

It was held by the Hon'ble Supreme Court of India in case titled as "**Virupakshappa Gouda and Anr. Vs. State of Karnataka and Anr.**" {(2017) 5 SCC 406} that :

*"15. The court has to keep in mind what has been stated in Chaman Lal v. State of U.P. The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge. In Prasanta Kumar Sarkar v. Ashis Chatterjee, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:*

*"9....among other circumstances, the factors which are to be borne in mind while considering an application for bail are:  
(i) whether there is any prima facie or reasonable ground to be believe that the accused had committed the offence.  
(ii) nature and gravity of the accusation;*

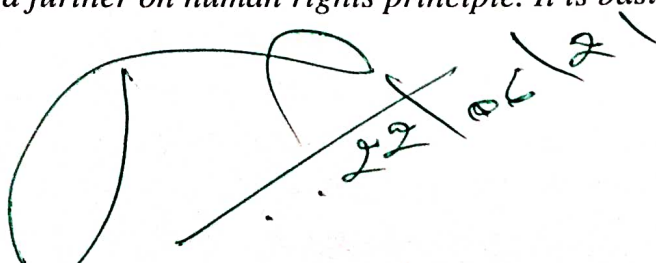
  
22/06/21

- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail."

16. In *CBI v. V. Vijay Sai Reddy*, the Court had reiterated the principle by observing thus:- " 34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

17. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from *Neeru Yadav v. State of U.P.*, wherein the Court setting aside an order granting bail observed:

"16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock of constitutional right and accentuated further on human rights principle. It is basically a

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*natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law."*

It was held by the Hon'ble Supreme Court of India in case titled as **"Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr."** {2004 Cri. L.J. 1796 (1)} that :

*"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence*

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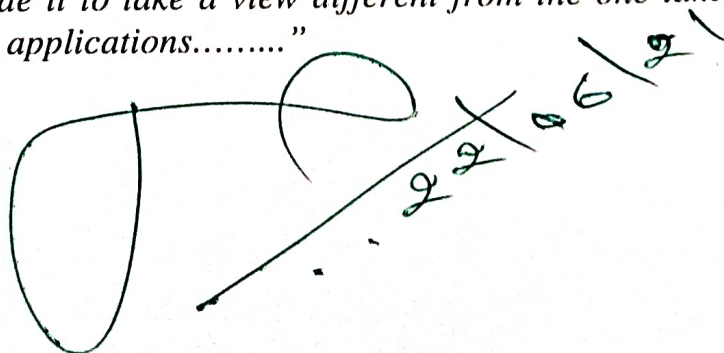
and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are,

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;
- (b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- (c) Prima facie satisfaction of the Court in support of the charge.

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the Court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.

14. .... In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.

20. Before concluding, we must note though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.....”

 22/06/21

It was held by the Hon'ble Supreme Court of India in case titled as "**Satish Jaggi Vs. State of Chhatisgarh and Ors.**" {AIR 2007 SC (Supp) 256} that :

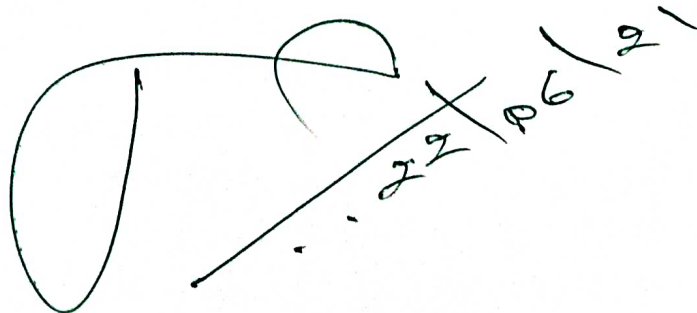
*"5. It is well settled law that in granting or non-granting of bail in non-bailable offence, the primary consideration is the nature and gravity of the offence....."*

*12. ....At the stage of granting of bail, the court can only go into the question of the prima-facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."*

It was held by the Hon'ble Supreme Court of India in case titled as "**Gurucharan Singh & Others Vs. State**" {AIR 1978 SC 179 (1)} that :

*"29. We may repeat the two paramount considerations, viz likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."*

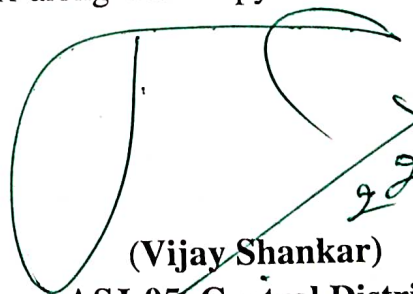
The allegations against the accused are of the offences u/s. 394/411/34 IPC. In the present case, charge is yet to be framed and complainant/ public witnesses are yet to be examined and if the bail is granted to the accused, there is possibility that accused may tamper with the evidence and influence the witnesses. Accused is stated to be habitual offender and he is stated to be involved in other criminal case.

A handwritten signature in black ink, followed by the date '22/06/21' written in a similar style.

The contentions of counsel for the accused Ghanshyam @ Budha that the accused has been falsely implicated in the present case and there is no incriminating evidence against him is not tenable at this stage as it is well settled law that at the stage of considering bail, it would not be proper for the Court to express any opinion on the merits or demerits of the prosecution case as well as defence.

Keeping in view the facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the considered opinion that no ground for regular bail of the accused Ghanshyam @ Budha is made out at this stage. Accordingly, the present application for regular bail of the accused Ghanshyam @ Budha is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information. Order be uploaded on the website of the Delhi District Court. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode. TCR along with copy of this order be also sent to the Ld. Concerned Court / Ld. MM.



22/06/21

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021

CNR No.DLCT01-003801-2015  
SC No.162/2021  
FIR No.134/2015  
PS Lahori Gate  
State Vs. Tahir Hussain & Ors.

22/06/2021

File taken up today on the interim bail application u/s 439 Cr.P.C of the accused Tahir Hussain for period of 90 days.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ SI Sandeep is present (through V.C.).  
Mr. Amjad Khan, Ld. Counsel for the accused Tahir Hussain (through V.C.).

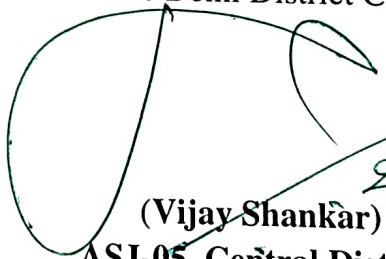
Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 26/06/2021. Date of 26/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 26/06/2021.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.244/2020  
PS Kamla Market  
U/s 302/147/149/34 IPC  
State Vs. Afjal @ Tammi

22/06/2021

File taken up today on the application u/s. 439 Cr.PC for grant of interim bail of accused Afjal @ Tammi.

( Proceedings Convened through Video Conferencing )

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

SI Giri Raj is present on behalf of IO (through V.C.).

Sh. D.D. Sharma, Ld. Counsel for the accused Afjal @ Tammi (through V.C.).

IO/ Inspector Lekh Raj has not joined the proceedings through V.C. IO is stated to be not available today.

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

Report of the IO received.

It is submitted by SI Giri Raj that as informed by the IO, the concerned Hospital has not suggested the operation of Hernia to wife of the accused and she was taking treatment on regular basis.

It is submitted by counsel for the accused that the doctor has suggested the operation of wife of the accused and he will file appropriate medical documents in this regard by tomorrow and he will also supply copy of the same to the IO.

SHO/ IO is directed to verify the medical documents of wife of the accused and file appropriate report in this regard on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 24/06/2021. Date of 24/06/2021 is given at the specific request and convenience of counsel for the accused.

Issue notice to the IO for the next date of hearing i.e. 24/06/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

CNR No.DLCT01-004029-2015

SC No.102/2021

FIR No.48/2015

PS Nabi Karim

U/s 186/353/333/307/201/34 IPC & 25/27 Arms Act

State Vs. Ajay @ Nathu & Ors.

22/06/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Ajay @ Nathu.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Shivam Parashar, Ld. Proxy Counsel for Counsel for the accused Ajay @ Nathu (through V.C.).

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

It is submitted by proxy counsel for counsel for the accused that main counsel is not available today and the present bail application of the accused be put up for clarifications on some other day. Heard. Request is allowed.

At the the request of proxy counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 30/06/2021. Date of 30/06/2021 is given at the specific request and convenience of proxy counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**FIR No.97/2012  
PS Prasad Nagar  
U/s 302/201/34 IPC  
State Vs. Sanjay Yadav**

22/06/2021

**File taken up today on the interim bail application u/s. 439 Cr.P.C. of accused Sanjay Yadav for the period of 3 months.**

**( Proceedings Convened through Video Conferencing)**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ Inspector Anish Sharma is present (through V.C.).  
Sh. Krishna Mohan, Ld. Legal Aid Counsel for the accused Sanjay Yadav (through V.C.).

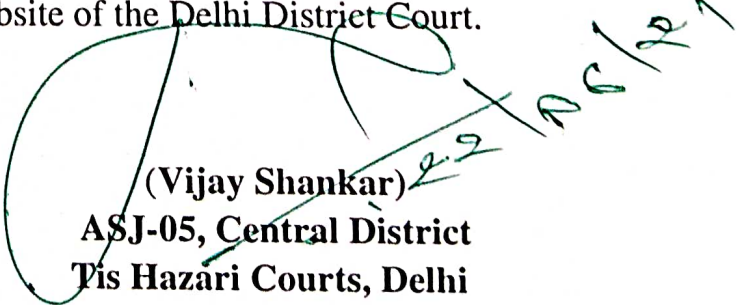
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

Report received from the Superintendent, Central Jail No.01, Tihar, New Delhi, wherein it is mentioned that accused Sanjay Yadav was released on 13/05/2021 under the minutes of meeting of High Powered Committee dated 11/05/2021.

In view of the above, the present interim bail application of the accused Sanjay Yadav has become infructuous and the same is disposed of accordingly.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)



**FIR No.140/2018**  
**PS Sarai Rohilla**  
**U/s 307/34 IPC and 25/27/54/59 Arms Act**  
**State Vs. Rahul Mittal**

22/06/2021

**File taken up today on the interim bail application u/s. 439 Cr.P.C. for the period of 90 days of accused Rahul Mittal.**

**( Proceedings Convened through Video Conferencing )**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ SI Ishwari Prasad is present (through V.C.).  
None has joined the proceedings through V.C. on behalf of the accused.  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

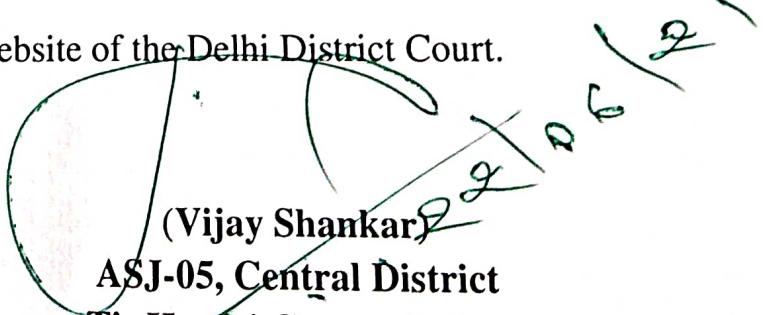
In the interest of justice, I am not passing any adverse order on account of non-appearance on behalf of the respondent in the present case.

Reply to the aforesaid bail application of accused is stated to be filed by the SHO. Report also received from the Deputy Superintendent, Central Jail No.04, Tihar, New Delhi.

The aforesaid bail application of the accused be put up for clarifications/ consideration on 29/06/2021.

IO is bound down for the next date of hearing i.e. 29/06/2021.

Order be uploaded on the website of the Delhi District Court.

  
**(Vijay Shankar)**  
**ASJ-05, Central District**  
**Tis Hazari Courts, Delhi**  
**22/06/2021(G)**

FIR No.140/2018  
PS Sarai Rohilla  
U/S 307/34 IPC & 25/27/54/59 Arms Act  
State Vs. Rohit

22/06/2021

File taken up today on the interim bail application u/s. 439 Cr.PC of accused Rohit.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/SI Ishwari Prasad is present through V.C.  
Sh. Vikas Bhatia, Ld. Counsel for the accused Rohit (through V.C.).

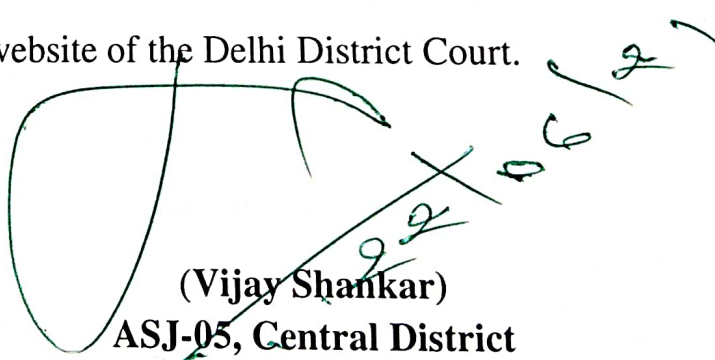
Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration/ maintainability on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

IO is bound down for the next date of hearing i.e. 29/06/2021.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**FIR No.112/2019  
PS Subzi Mandi  
U/s 302/201 IPC  
State Vs. Santosh Kumar Khushwaha**

22/06/2021

**File taken up today on the bail application u/s. 439 Cr.PC of accused Santosh Kumar Khushwaha.**

**( Proceedings Convened through Video Conferencing)**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO has not joined the proceedings through V.C.  
Ms. Ekta, Ld. Counsel for the accused Santosh Kumar Khushwaha (through V.C.).

**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

It is submitted by counsel for the accused that status of all pending cases against accused be called from the concerned SHO. Heard. Request is allowed.

Issue notice to the IO to appear and SHO/ IO is directed to file status of all pending cases against the accused for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 30/06/2021. Date of 30/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.263/2020  
PS Prasad Nagar  
U/s 364-A/120-B/34 IPC  
State Vs. Naveen Singh

22/06/2021

File taken up today on the application u/s. 439 Cr.PC of accused Naveen Singh for grant of interim bail for the period of 90 days.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Inderpreet Singh, Ld. Counsel for the accused Naveen Singh (through V.C.).  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

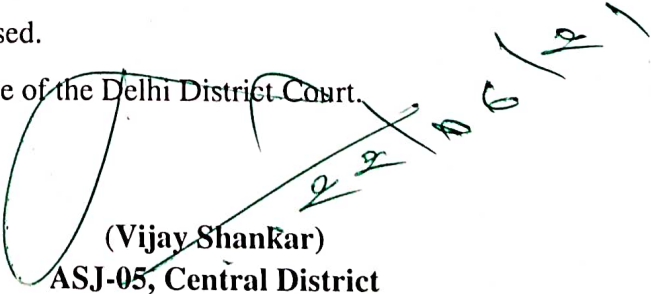
Report received from the Medical Officer In-charge, Central Jail Dispensary No.8/9, Tihar, New Delhi, wherein it is mentioned that general condition of inmate patient is stable and all prescribed medications are being provided to him from Jail Dispensary itself and there is no need of hospitalization at present.

It is submitted by counsel for the accused that further medical report of the accused be called from the concerned Jail Superintendent.

Issue notice to the concerned Jail/ Medical Superintendent to file further appropriate report regarding medical condition/ illness/ treatment of the accused and as to whether immediate hospitalization of the accused is required or not, on the next date of hearing

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 01/07/2021. Date of 01/07/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**FIR No.319/2021  
PS Nabi Karim  
U/s 302/34 IPC  
State Vs. Sachin @ Vishu**

22/06/2021

**File taken up today on the application u/s. 439 Cr.PC of accused Sachin @ Vishu for grant of interim bail for the period of 30 days.**

**( Proceedings Convened through Video Conferencing)**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Anil Kumar, Ld. Counsel for the accused Sachin @ Vishu (through V.C.).

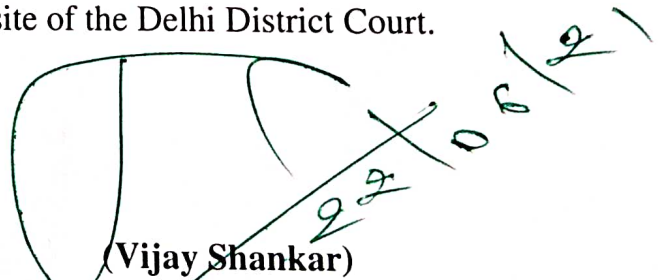
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Issue notice to the IO for the purpose of clarifications, for the next date of hearing i.e. 29/06/2021.

Order be uploaded on the website of the Delhi District Court.



**(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)**

FIR No. 20/2015  
PS Kamla Market  
U/s 302/396/412/34 IPC  
State Vs. Anish @ Dupatewala

22/06/2021

File taken up today on application u/s. 439 Cr.P.C. for grant of interim bail filed on behalf of accused Anish @ Dupatewala.

( Proceedings Convened through Video Conferencing )

Present: Sh. Anil, Ld. Addl. P.P. for the State (through V.C.).

Sh. Vineet Jain, Ld. Counsel for the accused Anish @ Dupatewala (through V.C.)

Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

Counsel for the accused and Addl. PP for the State seek time for clarifications in respect of the present interim bail application. Heard. Request is allowed.

At joint request, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

**FIR No.303/2014  
PS Subzi Mandi  
State Vs. Sunil @Kalu**

22/06/2021

**File taken up today on the application u/s. 439 Cr.P.C. of accused Vikrant Sagar for grant of interim bail.**

**( Proceedings Convened through Video Conferencing)**

**Present:** Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ Inspector Tej Dutt Gaur is present (through V.C.)  
Sh. Sukreet Khandelwal, Ld. Counsel for the accused Vikrant Sagar (through V.C.)

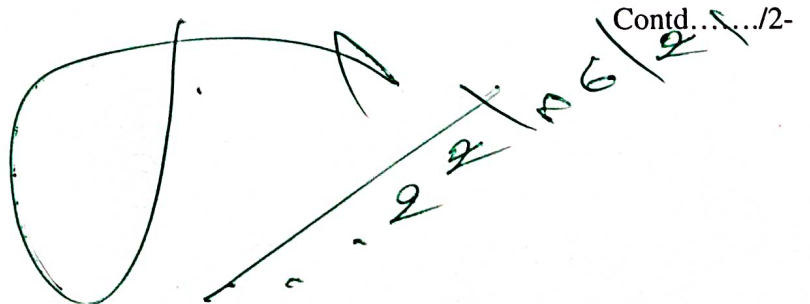
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

It is submitted by counsel for the accused that the accused has filed the present interim bail application as per the H.P.C. guidelines as well as on the medical condition of the mother of the accused. It is further submitted that the present bail application be treated as interim bail application as per the H.P.C. guidelines only and not on the medical ground of the mother of the accused. Heard. Request is allowed.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

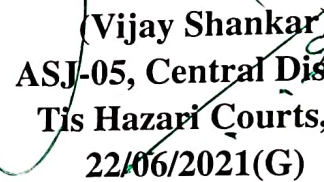
Issue notice to the IO to appear and SHO/ IO is directed to file reply to the aforesaid bail application of the accused including the report regarding previous involvement of the accused and list of all pending cases against the accused on the next date of hearing.

A large, stylized handwritten signature in green ink is written over the date. The date is written as '22/06/21' in black ink. To the right of the date, the text 'Contd.../2-' is written in black ink.

Issue notice to the concerned Jail Superintendent to file the jail conduct report of the accused, period of custody of the accused, nominal roll of the accused and list of all pending cases against the accused, on the next date of hearing.

At request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)



FIR No.303/2014  
PS Subzi Mandi  
State Vs. Sunil @Kalu

22/06/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Vikrant Sagar for grant of interim bail.

( Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
IO/ Inspector Tej Dutt Gaur is present (through V.C.)  
Sh. Sukreet Khandelwal, Ld. Counsel for the accused Vikrant Sagar (through V.C.)

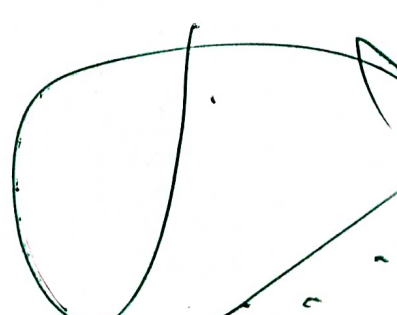
Ahlmad is absent.

This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.

It is submitted by counsel for the accused that the accused has filed the present interim bail application as per the H.P.C. guidelines as well as on the medical condition of the mother of the accused. It is further submitted that the present bail application be treated as interim bail application as per the H.P.C. guidelines only and not on the medical ground of the mother of the accused. Heard. Request is allowed.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

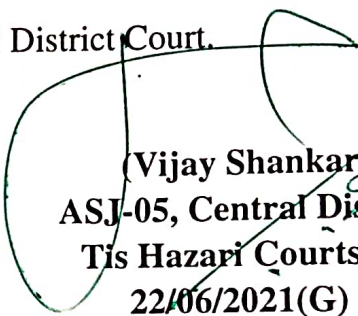
Issue notice to the IO to appear and SHO/ IO is directed to file reply to the aforesaid bail application of the accused including the report regarding previous involvement of the accused and list of all pending cases against the accused on the next date of hearing.

  
22/06/21  
Contd.../2-

Issue notice to the concerned Jail Superintendent to file the jail conduct report of the accused, period of custody of the accused, nominal roll of the accused and list of all pending cases against the accused, on the next date of hearing.

At request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.263/2020  
PS Prasad Nagar  
U/s 364-A/120-B/34 IPC  
State Vs. Amit Kansal

22/06/2021

**File taken up today on the first application u/s. 439 Cr.PC of accused Amit Kansal for grant of regular bail.**

**( Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Inder Preet Singh Ld. Counsel for the accused Amit Kansal (through V.C.)  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Issue notice to the IO to appear and SHO/ IO is directed to file reply to the aforesaid bail application of the accused on the next date of hearing.

It is submitted by counsel for the accused that supplementary charge-sheet has already been filed before the concerned Ld. MM.

Supplementary charge-sheet be called one day prior to the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 28/06/2021. Date of 28/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.98/2018  
PS Sadar Bazar  
U/s 302/307/34 IPC & 25/27/54/ 59 Arms Act  
State Vs. Ajay @ Ganja

22/06/2021

**File taken up today on the application u/s. 439 Cr.PC of accused Ajay Ganja for grant of interim bail.**

**( Proceedings Convened through Video Conferencing)**

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
Sh. Bharat Dubey, Ld. Counsel for the accused Ajay @ Ganja (through V.C.).  
**Ahlmad is absent.**

**This Court is facing connectivity/ audio/ video issues while conducting proceedings via video conferencing through Cisco Webex App.**

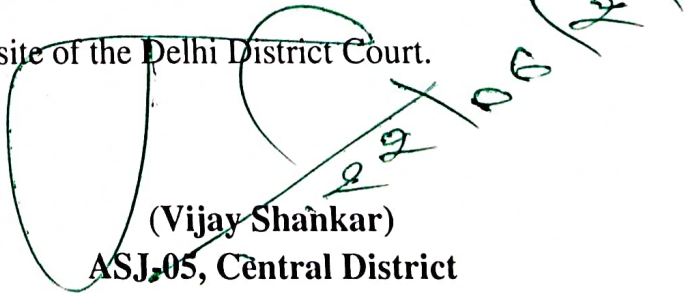
It is submitted by counsel for the accused that the accused has filed the present interim bail application on the medical ground of wife of the accused and surgery of wife of accused is fixed for 02/07/2021.

Issue notice of the present bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Issue notice to the IO to appear and concerned SHO/IO is directed to file report regarding medical condition of wife of the accused, availability of the family members of the accused and whether immediate hospitalization/ surgery of wife of the accused is required, if yes, at which Hospital and also to file verification report of medical documents of wife of the accused

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 29/06/2021. Date of 29/06/2021 is given at the specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021(G)

FIR No.244/2020  
PS : Kamla Market  
U/s : 302/34 IPC  
State Vs. Asif @ Sammi & Ors.

22/06/2021

**File taken up today on the application u/s 439 Cr.P.C of the accused Aftab Ahmad @ Munna for grant of interim bail for the period of 30 days.**

**( Proceedings Convened through Video Conferencing )**

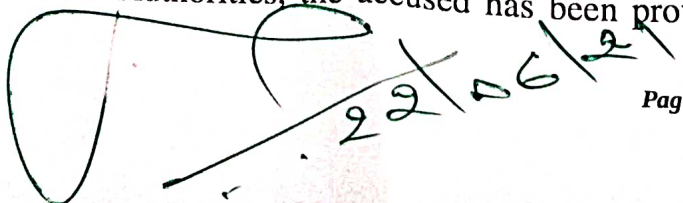
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).  
None has joined the proceedings (through V.C.) on behalf of the accused.  
**Ahmad is absent.**

By way of present order, this Court shall dispose of interim bail application of the accused Aftab Ahmad @ Munna.

Arguments have already been heard on the aforesaid interim bail application of accused Aftab Ahmad @ Munna. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that the medical condition of the accused Aftab Ahmad @ Munna is serious and he is suffering from Diabetes, Asthma, Hepatitis – B and piles. It was further submitted that and accused is suffering from various ailments which leads to more risk towards his life as condition of the jail is very bad in Covid -19 pandemic situation and it is very dangerous and risky for the accused to remain in the jail. It was further submitted that there is no improvement in the medical condition of the accused and in view of the same, the accused wants to get his treatment from a private hospital. It was further submitted that the interim bail for the period of 30 days be granted to the accused for the purpose of his treatment and accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

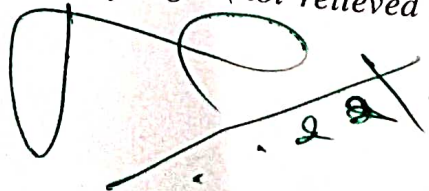
During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and he can abscond, if the interim bail is granted to him. It was further submitted that as per reports filed by the Jail Authorities, the accused has been provided



requisite / proper treatment for his ailments and interim bail cannot be granted to the accused merely on the ground that the accused wants to get his treatment from private hospital. It was further submitted that accused is habitual offender and he is involved in 15 other criminal cases of different nature. It was further submitted that interim bail has to be granted in exceptional circumstances and in the present interim bail application, the accused has not mentioned any exceptional circumstances and the same be dismissed.

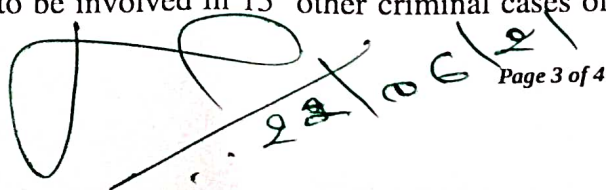
By way of the present interim bail application, the accused Aftab Ahmad @ Munna has prayed for interim bail for the period of 30 days for the purpose of his medical treatment. It is well settled law that interim bail has to be granted in a very exceptional and extraordinary circumstances warranting the immediate release of the accused to deal with any unforeseen contingency and interim bail cannot be granted in a mechanical manner. In the present case, report/reply of the present interim bail application was called from the concerned Jail Superintendent and Medical Officer In-charge, Tihar, New Delhi as well as from the SHO/IO and reports were filed. Latest report dated 19/06/2021 of Medical Officer In-charge regarding medical condition of the accused was filed on 21/06/2021 wherein it is mentioned that the accused was seen / examined by the Jail Doctors and Doctors from Safdarjang Hospital and DDU Hospital time to time. It is also mentioned in the report that the treating Surgeon of Safdarjang Hospital did not advise any type of surgery till yet, however, he advised colonoscopy procedure.

It is also mentioned in the report that *"accordingly on 17/06/2021 he was sent to Surgery Department at DDU hospital, wherein he provided complaint of bleeding per rectum, history of weight loss with known case of hepatitis-B, Asthma, Hypertension, and Diabetes Mellitus and the treating doctor mentioned that patient is not willing for any examination and treatment and patient also gave it in written that and he had suffered from corona and he does not want his treatment to be done in government hospital, he wants his treatment to be done in private hospital with his family. Thereafter 18/06/2021 inmate patient was seen jail by visiting medicine senior resident for follow-up case of above mentioned diagnosis with inadequate glycaemic control, complaint of bleeding per rectum, shortness of breath on and off, last episode yesterday night (not relieved by inhaler) for*

  
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which he was thoroughly examined and on examination the treating doctor found rhonchi (A sound like whistling or snoring that is heard with a stethoscope during expiration as air passes through obstructed channels) in both side of chest and made a diagnosis of uncontrolled diabetes mellitus, exacerbation of bronchial asthma with bleeding per rectum with hepatitis-B was made, for which he was advised insulin, nebulization and SP02, vitals, random blood sugar charting and also advised to review in gastrology department at GB Pant Hospital for hepatitis-B with reports. Accordingly, on same day i.e. 18/06/2021 he was reviewed by the jail visiting surgery senior resident from DDU Hospital for the above mentioned diagnosis and complaint of bleeding per rectum with known case of fissure and hemorrhoids for which he was advised appropriate treatment accordingly. At present, inmate patient is suffering from on and off complaint of bleeding from anal region, breathing difficulty with follow-up case of diabetes mellitus type – II, hypertension, Bronchial Asthma, Hepatitis-B and admitted in MI room at CJ-04 dispensary ward and he is being provided treatment and anti asthmatic medications (Salbutamol Inhaler) accordingly but despite treatment patient is still having same complaints”.

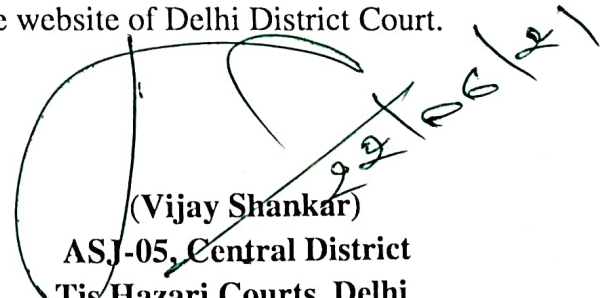
In the aforesaid report, it is mentioned that on 17/06/2021 when accused was sent to DDU hospital, accused gave in writing that he does not want his treatment to be done in Govt. hospital and he wants his treatment to be done in private hospital. The accused himself refused for the treatment in the DDU hospital. On perusal of reports filed by the Jail Authorities, it is clear that requisite / proper medical treatment was given/ provided to the accused. The accused was also referred to the Govt. hospitals for his treatment time to time. At present, the accused is stated to be admitted in MI room, CJ-04 dispensary ward and is under treatment. During the course of the arguments, the counsel for the accused has not pointed out any deficiency in the treatment of the accused. There is nothing on the record to show that the jail hospital and jail referral / Govt. hospitals are not having the medical facilities for the diseases / ailments of the accused. Merely, because the accused wants to get his medical treatment from private hospital, interim bail cannot be granted to him. In the present case, allegations against the accused are of Section 302/147/149/34 IPC. Accused is stated to be habitual offender and he is stated to be involved in 15 other criminal cases of

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different nature. Keeping in view the facts and circumstances of the case, gravity of offence, nature of serious allegations levelled against the accused and medical reports filed by the Jail Authorities, this Court is of the considered opinion that no ground for interim bail of accused Aftab Ahmad @ Munna is made out at this stage. Accordingly, the present interim bail application of accused Aftab Ahmad @ Munna is dismissed.

However, Jail Authorities are directed to provide the requisite/ necessary/ immediate medical treatment to the accused, as per his medical condition on priority basis. Jail Authorities are also directed to get the accused admitted in the Hospital inside the jail or outside the jail referral / Govt. hospitals on priority basis, if required, as per rules. In case, surgery of the accused is required/ planned, the Jail Authorities are directed to make necessary arrangements for the same on priority basis. The concerned Jail Superintendent and Medical Officer In-charge are directed to file further/ appropriate/ detailed report regarding medical condition of the accused, on **02/07/2021**.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information. Ld. Counsel for the accused is at liberty to collect the copy of present order through electronic mode. Order be uploaded on the website of Delhi District Court.

  
(Vijay Shankar)  
ASJ-05, Central District  
Tis Hazari Courts, Delhi  
22/06/2021