

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

Bail Application No. 2502/21

FIR No. 494/21

U/s 392/34 IPC

P.S. Subzi Mandi

State Vs. Ajay

30.09.2021

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.

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

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

Sh. Kanwar H.S., Ld. Counsel for applicant through VC.

IO/ASI Rakesh Kumar also present.

Reply of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that applicant is in J/C since 25.08.2021 and recoveries have already been effected in this case. He further submitted that there is discrepancy in the order of Ld. MM dated 17.09.2021 and in the reply of the IO dated in as much as the order of the Ld. MM mentions the factum of accused Ajay catching hold

of the neck of the victim whereas in the reply of the IO, it is co-accused Sagar who has caught the neck of the victim. He further submitted that applicant has no previous involvement. Thus, he ought to be granted bail.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application as per law. It was submitted that applicant was arrested at the instance of complainant and co-accused has also been arrested. It was further submitted that robbed property i.e. Rs. 3,000/- and one mobile phone are yet to be recovered. It was submitted by the IO that victim has identified the accused. Thus he ought not to be granted bail.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that his two mobile phones and Rs. 3,000./- were robbed by two unknown persons near the Morigate roundabout. Later on complainant had identified the person who robbed him. He was apprehended by the IO and his name was disclosed as Ajay. From his possession one mobile phone make I Phone X was recovered. During investigation applicant Ajay told that he alongwith his associate Sagar @ Kutty robbed the complainant and fled away from the spot. Thus, the present FIR came to be registered.
5. Advertng to the rival contentions of both sides, a perusal of the record reveals that applicant alongwith his associate robbed the complainant forcefully by strangulating his neck. Further, perusal of the record also reveals that applicant has been identified by the complainant. Recoveries are yet to be affected in this case. Ld. Counsel for the

applicant submitted that there is discrepancy between the order of the Ld. MM and order dated 25.09.2021 regarding Ajay catching hold of the neck of the victim whereas in the reply of the IO, it is co-accused Sagar who has caught the neck of the victim. Perusal of the reply filed by the IO before the Ld. MM and reply filed today in the Court show that IO has mentioned that it was co-accused Sagar @ Kutty who caught the victim by his neck. It seems that inadvertently Ld. MM has mentioned in his order that it was accused Ajay who had caught the victim by his neck. Further, the TIP proceedings qua the accused are slated to be held on 05.10.2021.

6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, the role attributed to the accused herein coupled with the fact that recoveries have yet to be effected, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby dismissed.
7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

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

Bail Application No. 2509/21
FIR No. 000950/21
U/s 379 IPC
P.S. Burari
State Vs. Sumit @ Sachin

30.09.2021

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 Sumit @ Sachin for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Jagdish Diwakar, Ld. Counsel for applicant through VC.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that accused is ready and willing to join the investigation. He further submitted that accused

has not received any notice to join the investigation. Further, it has been submitted that articles of theft has been planted upon him, and also no custodial interrogation is required. Thus, it has been submitted that since the false and fabricated case has been foisted upon the applicant, he ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the anticipatory bail application as per law. It was submitted that accused needs to be interrogated in order to ascertain the involvement in other matters.

4. Submissions heard and record perused.

5. A perusal of the reply of the IO reveals that applicant has been previously involved in 4 cases. It was further brought on record the applicant has not been cooperating with the investigation.

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

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

(i).....

(ii).....

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

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

7. Under these circumstances, taking into the account the nature of the offence, factum of the applicant not joining or cooperating with the investigation and the role attributed to the applicant 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.

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

9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

Bail Application No.2540/21
FIR No. 709/21
P.S. Wazirabad
U/s 407 IPC
State Vs. Arun Kumar & Anr.

30.09.2021

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.

This is an application moved for accused/applicant Arun Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vinita Raghav, Ld. Counsel for applicant through VC.

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

List for arguments on 06.10.2021.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

Bail Application No.2541/21
FIR No. 180/21
P.S. Bara Hindu Rao
U/s 356/379/34 IPC
State Vs. Pawan Kumar @ Pappu @ Mama

30.09.2021

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.

This is an application moved for accused/applicant Pawan Kumar @ Pappu @ Mama under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Ms. Ruksana, Ld. Counsel for applicant through VC.

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

List for arguments on 06.10.2021.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

Bail Application No.2475/21
FIR No. 721/21
P.S. Burari
U/s 308/34 IPC
State Vs. Vinay

30.09.2021

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.

This is an application moved for accused/applicant Vinay under Section 439 Cr.P.C., for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. R.K. Sharma, Ld. Counsel for applicant through VC.

Reply of IO is on record.

Ld. Counsel for applicant seeks adjournment for arguments on the application stating that today he is busy in attending some urgent matter at Karkardooma Courts.

At request, list for arguments on 04.10.2021.

Copy of the order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

Bail Application No.2501/21
FIR No. 303/14
P.S. Subzi Mandi
U/s 302/307/34 IPC & 27 Arms Act
State Vs. Vikrant Sagar

30.09.2021

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.

This is an application moved for accused/applicant Vikrant Sagar under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. R.P. Raikwar, Ld. Counsel for applicant/accused through VC.
Inspector Rajesh Kumar, PS Subzi Mandi through VC.

It has been apprised by Inspector Rajesh Kumar that matter is at the stage of prosecution evidence, and same is pending before the Court of Sh. Vijay Shankar, Ld. ASJ (Central).

Accordingly, let the application be put up before Ld. Principal District & Sessions Judge (HQ), Delhi, with a request to transfer the same to the Court of Sh. Vijay Shankar, Ld. ASJ (Central) for 01.10.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021

Bail Application No.2539/21
FIR No.0402/2019
P.S. Burari
U/s 363/366/376/354-A/506/313/34
IPC & Section 6 POCSO Act
State Vs. Ajay Kumar

04.08.2021

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

This is an application moved for accused Ajay Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Mr. Balbir Singh, Ld. Addl. PP for State through VC.
Ld.Counsel for accused/applicant through VC.

Perusal of FIR would reveal that the bail application pertains to *inter alia* Section 6 POCSO Act, which is a Special Act. Accordingly, in view of Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 of Ld. Principal District & Sessions Judge (HQs), Delhi, present application be transferred to the Court of Sh. Vinay Singhal, Ld. ASJ, (Central), Tis Hazari Courts, Delhi. Accordingly, let the application be put up before Ld. Principal District & Sessions Judge (HQ), Delhi, with a request to transfer the same to the Court of Sh. Vinay Singhal, Ld. ASJ, (Central), Tis Hazari Courts, Delhi for 01.10.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/30.09.2021