

**FIR No.334/19
PS Rajouri Garden
State Vs. Joginder**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Ld. Sunil Tiwari, Ld. Counsel for accused/ applicant.

In pursuance of the order of this court dated 31.05.2021, a report has been filed by Deputy Superintendent, Central Jail No.2, Tihar, New Delhi, as per the which the accused has not been released from custody as he is required to be detained w.r.t FIR no. 81/10 u/s 379/411 IPC, PS Sarai Rohilla. Let a copy of the report be supplied to Ld. Counsel for accused// applicant via e-mail/Whatsapp.

In view of the report of the Deputy Superintendent, Central Jail No.2, Tihar, New Delhi, the instant application stands disposed of. Dasti.

**(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021**

**FIR No.353/21
PS Rajouri Garden
u/s 420/188/ 34 IPC &
3/7 Essential Commodities Act
& 3 Epidemic Act
State Vs. Sahil Agnihotri**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Devesh Gautam and Sh. Rishab Basra, Ld. counsel for the accused/ applicant.

This is an application for grant of bail to accused Sahil Agnihotri, S/o Sukender Mohan u/s 437 CrPC has been filed.

Reply has been filed by the IO.

It is argued by Ld. Counsel for accused/ applicant that the accused/ applicant has been falsely implicated in the present case and it is in fact at the behest of the accused that the other co-accused were arrested and recovery of the case property was effected. Ld. Counsel has further argued that the accused that the accused is working in a project with IIT (Contractual) and is also preparing for competitive exams and his entire carrier shall be jeopardized if he is detained in custody for any longer period. Ld. Counsel has submitted that the accused is languishing in custody since 01.05.2021 and no purpose shall be served by detaining the accused in custody for any further period. It is further submitted that the benefit of bail be granted to the accused and it is further submitted that the accused is ready and willing to furnish a sound surety, and is

also willing to abide by conditions imposed upon him by the court, if his application is allowed.

Ld. APP for the state has submitted that as disclosed by the IO, the co-accused Nitin Sharma, from whom the co-accused Jeetu Mishra had procured the Remedesivir injection is yet to be apprehended and if the accused is admitted to bail at this stage, investigation shall be hampered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **“The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court.”**

Heard. Record perused.

The accused is languishing in custody since 01.05.2021. The period in which the police custody of the accused could have been procured has lapsed. The accused admittedly has clean antecedents and this court finds itself in agreement with the arguments raised by Ld. Counsel for the accused/ applicant that his detention in custody for any further period pending trial may adversely affect his carrier prospects. The IO has disclosed the address of the co-accused Nitin Sharma in the reply and has stated that the said co-accused Nitin Sharma is absconding. The accused/ applicant Sahil Agnihotri admittedly did not have any direct nexus with the said Nitin Sharma and his detention in custody for a longer period cannot be justified on the ground that Nitin Sharma is yet to be apprehended. Further the accused/ applicant is entitled for grant of bail on the ground of parity as well, in view of the fact that the co-accused Jeetu Sharma has been already admitted to bail. Further the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Sahil Agnihotri**,

S/o Sukender Mohan is admitted to bail on his furnishing personal bond in the sum of Rs. 20,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused.

(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021

**FIR No.552/15
PS Rajouri Garden
u/s 392/411/34 IPC
State Vs. Vijay Kumar**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/ applicant.

This is an application for grant of interim bail to accused Vijay Kumar, S/o Prem Bahadur has been filed.

Ld. LAC for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 18.07.2020 and his case is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is heinous in nature and the accused is a habitual offender.

Heard. Perused. Considered.

The accused is languishing in custody since 18.07.2020. It is submitted in the reply filed by the IO that the accused had absconded once during trial and was re-arrested after being declared a P.O.. However, the case of the accused is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19 and without going into the merits of the case, the accused **Vijay Kumar, S/o Prem Bahadur** is directed to be released on interim bail for a period of 90 days on furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like

amount to the satisfaction of this Court/Ld Duty MM .Accused/applicant **Vijay Kumar, S/o Prem Bahadur** shall surrender before the Jail Authority concerned after the expiry of period of interim bail for a period of 90 days. Application stands disposed of accordingly.

Let copy of this order be sent to Jail Superintendent concerned for information through all means, including email.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be given *dasti* to Ld. LAC for accused.

(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021

**FIR No.172/21
PS Rajouri Garden
u/s 25 Arms Act
State Vs. Vipin Kumar**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/ applicant.

This is an application for grant of interim bail to accused Vipin Kumar @ Circuit, S/o Prem Chand has been filed.

Ld. Counsel for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 28.02.2021 and his case is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is heinous in nature and the accused is a habitual offender.

Heard. Perused. Considered.

The offence alleged against the accused is serious in nature. Further, the accused appears to be a habitual offender, from the previous involvement report of the IO filed with the reply. The possibility of the accused misusing the liberty granted to him if admitted to interim bail cannot be ruled out. In view of the numerous previous involvement of the accused, the case of the accused cannot be considered favourably for grant of interim bail in view of the revised guidelines of the HPC constituted by the Hon'ble High Court of Delhi dated 11.05.2021. In view of the above observations, the application of the

accused **Vipin Kumar @ Circuit, S/o Prem Chand** for grant of interim bail stands dismissed.

(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021

**FIR No.1394/15
PS Rajouri Garden
u/s 379/411/174-A IPC
State Vs. Raju**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Ld. counsel for the accused/ applicant.

This is an application for grant of interim bail to accused Raju, S/o Kamal Bahadur has been filed.

Ld. Counsel for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 28.02.2021 and his case is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is heinous in nature and the accused is a habitual offender.

Heard. Perused. Considered.

The accused was first arrested w.r.t the present case on 20.09.2015 and was duly admitted to bail. Thereafter the accused absconded and was declared P.O.. The accused applicant was re-arrested on 24.07.2020. If the accused is admitted to interim bail, the possibility of the accused misusing the liberty granted to him cannot be discounted in view of the conduct of the accused. Further, the accused appears to be a habitual offender, from the previous involvement report filed by the IO, and may commit another offence if admitted to interim bail. In view of the numerous previous involvement of the

accused, the case of the accused cannot be considered favourably for grant of interim bail in view of the revised guidelines of the HPC constituted by the Hon'ble High Court of Delhi dated 11.05.2021. In view of the above observations, the application of the accused **Raju, S/o Kamal Bahadur** for grant of interim bail stands dismissed at this stage, without prejudice.

(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021

**FIR No.355/21
PS Rajouri Garden
u/s 420/188/ 34 IPC &
3/7 Essential Commodities Act
& 3 Epidemic Act
State Vs. Sandeep Kumar**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Sanjay Kumar, Ld. counsel for the accused/ applicant.

IO SI Ishwar Singh, Special Staff, West is present.

This is the second application for grant of bail to accused Sandeep Kumar, S/o Ram Avtar u/s 437 CrPC has been filed.

Reply has been filed by IO SI Ishwar Singh, Special Staff, West.

It is argued by the Ld. Counsel for the accused/ applicant that the offence is falsely alleged against the accused that he is involved in black marketing of oxygen cylinders. It is submitted that the accused owns a glass factory and had given the oxygen cylinders to the co-accused Mohit in order to help him, as it was represented to him that the oxygen cylinders was required by the said Mohit for the use of his relative. Ld. Counsel for the accused/ applicant has further submitted that the accused/ applicant had duly verified the need of the co-accused Mohit by verifying the medical documents. It is further submitted that the accused/ applicant has clean antecedents and is already in custody since 02.05.2021, and no useful purpose shall be served by detaining him in custody for any further period.

Benefit of bail is requested for the accused and it is submitted that the accused/ applicant is ready and willing to furnish a sound surety, if admitted

to bail.

Per-contra, Ld. APP for the state has submitted that the accused should not be admitted to bail as the offence alleged against him is serious in nature and the bail application of the accused has also been dismissed by the Ld. Sessions Court on 18.05.2021.

Upon inquiry, the IO has conceded that no further chain of black marketing was unearthed and further that no other recovery was effected in the present case.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "**The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court.**"

The accused is languishing in custody since 02.05.2021. The oxygen cylinder in the present case has already been recovered. The IO has categorically stated in court today that no further chain of black marketing was discovered in the present case and no recovery was effected subsequently to the arrest of the accused. The period in which the police custody of the accused could have obtained has admittedly lapsed. The reply of the IO does not show any cogent ground meriting the pre-trial custody of the accused. The accused has clean antecedents. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Sandeep Kumar, S/o Ram Avtar** is admitted to bail on his furnishing personal bond in the sum of Rs. 20,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit

any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. counsel for accused.

**(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021**

**FIR No.372/18
PS Rajouri Garden
u/s
State Vs. Om Prakash Tiwari**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Manju Nagpal, Ld. counsel for the accused/ applicant.

This is an application for release of jamatalashi articles.

Reply has been filed under the signatures of IO SI Amit Kumar. The IO has stated in the reply that he has no objection, if the mobile phone is released to the rightful owner thereof.

It is submitted by Ld. APP for the state that the photographs of the **mobile phone black color make MI 869447039626828/6836, SIM JIO 6378208383** may be obtained from all the four angles clearly displaying the IMEI number of the phone. Furthermore, it is submitted that the CDR pertaining to the mobile phone may also be obtained by IO/ SHO so as to prove the presence of the accused at the spot.

Heard. Application stands allowed.

Articles be released as per personal search memo after compliance of the submissions made by Ld. APP for the state. A copy of this order be given dasti to applicant/ accused as prayed for.

**(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021**

**FIR No.17701/20
PS Rajouri Garden
u/s
State Vs. Manish Sharma @
Mota**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Ankit Gupta, Ld. counsel for the accused/ applicant.

This is an application for grant of bail to accused Manish Sharma @ Mota, S/o Rajender Sharma u/s 437 CrPC has been filed.

Reply has been filed by the IO.

It is submitted by Ld. Counsel for the accused that the accused/ applicant has been falsely implicated in the present case. It is argued that the accused is in custody since 03.11.2020 and charge sheet has been already filed. Ld. Counsel has submitted that the benefit of bail may be extended to accused on the ground of parity as well, as co-accused Ketan has already been admitted to bail

Ld. APP for the state has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **"The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court."**

Record reveals that two bail applications of the accused subsequently after the filing of the charge sheet had already been dismissed by this court. No change of circumstance has been argued or pleaded at this stage, which would entitle the accused to maintain this application. Even otherwise, the accused is a habitual offender as shown in his previous involvement report and the possibility of accused misusing the liberty granting to him by way of bail cannot be discounted. The ground of parity has also been considered and rejected by this court in the order dated 03.05.2021, when the previous bail application of the accused was dismissed. In view of the above observations, the application for grant of bail to accused **Manish Sharma @ Mota, S/o Rajender Sharma** stands dismissed, without prejudice.

(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021

**FIR No.29984/20
PS Rajouri Garden
u/s 379/411 IPC
State Vs. Nitin Kumar**

01.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Vaibhav Kumar, Ld. counsel for the accused/ applicant.

This is an application for grant of bail to accused Nitin Kumar, S/o Kailash Nath u/s 437 CrPC has been filed.

Perusal of the record reveals that the accused has been granted bail on 20.02.2021. In view thereof, the instant application is disposed of as infructuous.

At request and in the interest of justice, let a copy of the bail order dated 20.02.2021 be supplied to Ld. Counsel for the accused/ applicant via e-mail/ whatsapp.

**(Medha Arya)
MM-02 (West)/THC/Delhi
01.06.2021**