

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

Bail Application No. 1941/21

FIR No. 491/21

U/s 376/506 IPC

P.S. Burari

State Vs. Arun Kumar Kashyap

23.07.2021

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

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

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

Sh. N.C. Gupta, Ld. Counsel for applicant through VC.

IO/SI Madhvi is present through VC.

Ms. Lakshmi Raina, Ld. Counsel for complainant from DCW through VC alongwith complainant.

Ld. Counsel for applicant has strenuously contended that there has been considerable delay in lodging the FIR. Further, the medical examination of the victim has not been conducted. It was also submitted that there was no opposition by the prosecutrix at the time of commission of the offence. It was submitted that the applicant is not previously involved in the commission of any offence. Lastly it was submitted that it is the case of consensual sexual relationship, which assumed the form of a criminal case upon refusal by the applicant herein to give in to the demands of money by the

Contd.....

complainant. Ld. Counsel for applicant has placed reliance on *Sonu @ Subhash Kumar Vs. State of Uttar Pradesh & Ors., Criminal Appeal No. 233/2021 decided by Hon'ble Supreme Court on 01.03.2021 and Dr. Sandeep Mourya Vs. State, Bail Application No. 838/2021 decided by Hon'ble High Court of Delhi on 22.03.2021.*

Per contra Ld. Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the present anticipatory bail application. It has been submitted that the applicant was not joining investigation and that factum of taking of photos and videos of the complainant, by the applicant, have to be verified.

At this juncture, Ld. Counsel for applicant submits that applicant would handover his mobile phone from which such pictures and videos were purportedly taken.

Under these circumstances, applicant / accused Arun Kumar Kashyap is hereby given interim protection from arrest till NDOH subject to the condition that he shall join the investigation today at 4 PM and shall also handover the mobile phone in question to the IO. IO shall file status report in this regard on NDOH.

Put up on 26.07.2021 for consideration.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

Bail Application No.1953/21
FIR No.0098/2021
P.S. Burari
U/s 307/411/120B/34 IPC
State Vs. Naveid Khan

23.07.2021

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

Fresh application under Section 439 Cr.PC moved for accused Naveid Khan for grant of bail.

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

Sh. Farahim Khan, Ld. Counsel for accused through VC.

Reply of the application be called from IO/SHO.

Ld. Counsel for the accused/applicant submits that chargesheet in the present case has already been filed. Accordingly, let TCR be also requisitioned for NDOH.

List for arguments on 02.08.2021.

Copy be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

Bail Application No.1954/21
FIR No.142/2021
P.S. Burari
U/s 498A/377/34 IPC
State Vs. Veer Singh

23.07.2021

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

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

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

Sh. Ranjan Kumar, Ld. Counsel for applicant through VC.

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

List for arguments on 02.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

Bail Application No.1956/21
FIR No.0110/2019
P.S. Burari
U/s 498A/406/34 IPC
State Vs. Santosh Singh Bora

23.07.2021

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

Fresh application under Section 438 Cr.PC moved for accused/applicant Santosh Singh Bora for grant of anticipatory bail.

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

Sh. Ayush Gupta, Ld. Counsel for accused/applicant through VC.

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

List for arguments on the application on 31.07.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

Bail Application No.1915/21
FIR No.115/21
P.S. Wazirabad,
State Vs. Hashim
U/s 394/397/34 IPC & S.25/27/59 Arms Act

23.07.2021

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

This is an application under Section 439 Cr.PC moved for accused Hashim for grant of interim bail.

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

Sh. Tarun Upadhyay, Ld. Counsel for applicant through VC.

Reply of the IO received with the report that prescription slip has been deposited in the MRD Section of the hospital for verification but same could not be verified. Therefore, IO sought some time to file further reply of the application. IO is directed to file the fresh reply on NDOH.

List for arguments on the application on 30.07.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

Bail Application No.1955/21
FIR No. Not Known
P.S. Bara Hindu Rao
U/s Not Known
State Vs. Fatima Ali

23.07.2021

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

Fresh application under Section 438 Cr.PC moved for accused Fatima Ali for grant of anticipatory bail.

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

Sh. Rajesh Dua, Ld. Counsel for accused/applicant
through VC.

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

List for arguments on the application on 26.07.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

FIR No.06/21
P.S. Sadar Bazar
U/s 135 Electricity Act
State Vs. Md. Sadiq

23.07.2021

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

Fresh chargesheet filed. It be checked and registered.

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

IO ASI Mukesh Kumar through VC.

Put up for consideration on 26.07.2021.

Copy be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.07.2021

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

Bail Application No. 1946/21
FIR No. 125/21
U/s 392/397/342/411/120B/34 IPC
P.S. Crime Branch
State Vs. Deepak

23.07.2021

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

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Yogesh Chhabra, Ld. Counsel for applicant through VC.
IO/SI Santosh Kumar is present through VC.
Reply of IO has been 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 contended that applicant has been falsely implicated in the present case. Further, it was

contended that applicant is the only bread winner in the family and he has three minor children to look after. Ld. Counsel for applicant also submitted that applicant would join the investigation as and when required by the IO. Significantly, Ld. Counsel for applicant strenuously canvassed that the applicant has a plausible plea of alibi, and that the applicant was not present at the place of offence. It was argued that at around 11:30 AM on 10.07.2021, the applicant was in Raj Nagar Extension, far away from the scene of crime, and it was thus pointed out that accused could not have reached the place of offence within a period of 15 minutes i.e. at 11:30 AM, thus bail ought to be granted.

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 the weapon of offence namely knife was recovered from applicant Deepak. Further applicant was identified by the victims. In rebuttal to the assertions of Ld. Counsel for applicant qua presence of applicant on the spot at the time of commission of the offence, it was submitted before the Court by the IO that initially when the complaint was filed, the time of commission was mentioned as 11:30 AM and the date was 10.07.2021. However, as has also been averred in para-8 of the reply, after examining all the victims, it was found that the offence was committed at around 12 PM on 10.07.2021, and it was submitted that the applicant reached the said office at around 12:15 hours.

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 on 09.07.2021, complainant alongwith four of his mates for the first time came back to India to visit his hometown in West Bengal. Flight landed at IGI Airport, from where they reached New Delhi Railway Station. On the intervening night of 09/10.07.2021 at New Delhi Railway Station they were approached by an individual, who informed that to travel by train they require a COVID-19 report, to which the complainant mentioned that they already have it from IGI Airport. On this the said individual said that the report provided by the IGI Airport is not valid to travel from train and they will require a fresh COVID-19 report in this regard. Accordingly, the complainant and his mates were asked to accompany him on the pretext of arranging COVID-19 reports and train travel tickets. The complainant alongwith his mates were taken to an office located at Paharganj, Delhi, where they were informed that their respective reports will be ready by tomorrow morning. It was further informed that their train to Kolkata will depart at 12:30 noon and hence, they can collect their reports by 11:30 AM from this office. Night accommodation at a hotel in Paharganj area was also arranged by the said person for the complainant & his mates. On 10.07.2021 at 11:30 AM, complainant alongwith his mates reached the said office, where

they found six persons sitting in the office. At the office itself, they were shown their COVID-19 reports and asked to pay 897 Saudi Riyal against which amount they will be handed over their respective COVID-19 reports. When the complainant refused to pay the said amount, out of the six persons sitting in the office, one has taken out country made pistol and another person took out the knife, both the weapons were pointing at them. Rest of the four individuals sieged the complainant & his four mates, made them hostages on gunpoint & knife tip and then beat the complainant & his four mates. These four individuals frisked the complainant & his four mates and robbed them of their cash (3500 Saudi Riyal & INR 17,970) alongwith other valuables including wrist watches, mobile phones etc. The complainant & his mates were then threatened of dire consequences & snatching of their passports, if any of them has / had ever reported the matter to police authorities. Three coolies were then called by the alleged persons just 10-15 minutes prior to departure of complainant's train to Kolkata. The complainant alongwith his four mates were then taken to New Delhi Railway Station just prior to departure of their train to Kolkata. All five of the aggrieved were then made to board the train. In the meantime, team of Special Investigation Unit – I, Crime Branch, reached the station, get the complainant & his four mates deboarded the train. All the aggrieved were then accompanied to the office where they

were taken by the alleged persons at Paharganj, Delhi. After reaching the office being run by alleged persons in the name & style of New RTDC, from Shop No. 125, Amritpur Market, Opposite New Delhi Railway Station, Paharganj, New Delhi at the instance of complainant / other aggrieved, four individuals by the name of Vijay Bhan Pandey, Deepak, Sanjeev Kumar and Harish Singh were apprehended and 120 Riyal and 40200 INR (as some Riyal were got exchanged by them in INR) were recovered from them. One Country made Pistol with 2 live cartridges and one Draggar (knife) were also recovered from their possession. Accordingly, the present case.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that grave allegations of committing dacoity by using deadly weapon have been levelled against the applicant and his associates. There are allegations that by adopting the same *modus operandi* the applicant and his associates have committed such offences against various unsuspecting travellers. The knife alleged to have been used at the time of commission of the offence has been recovered from the possession of the applicant herein. Further, the robbed articles of the complainants including flash lights, wrist watches and money and other belongings have also been recovered from the possession, and at the instance of the applicant and his associates. Further, it was also averred by the IO that all the five victims have identified the applicant/accused

Deepak as the person who, alongwith his associates, had robbed them of their money and other belongings. As far as the contentions of Ld. Counsel for applicant qua the plea of alibi are concerned, the same cannot be countenanced at this preliminary stage. The offence was allegedly committed on 10.07.2021, which was admittedly a Second Saturday, a holiday for most organizations. Further, on the said day several restrictions were put on movements owing to the pandemic. Under these circumstances, it does not seem impossible for the applicant to travel the distance from Raj Nagar Extension to New Delhi Railway Station in an hour. As per the IO, applicant had left his place in Raj Nagar Extension at 11:13 AM and he had reached the place of occurrence at 12:15 PM. During the course of arguments, the IO sought to substantiate his claims by submitting that the CDRs of the applicant also lead to the inference that the applicant was present at the scene of crime at the time the offence was committed. Moreover, the other accomplices/ members of the outfit are yet to be identified and apprehended. The investigation is still under way.

6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted 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/23.07.2021

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

Bail Application No. 593/2021, 594/21, 595/21 & 682/21

FIR No. 727/20

U/s 498A/406/34 IPC

P.S. Burari

State Vs. (1) Anuj Minj

(2) Alice Rebecca Minj

(3) Roja Minj

(4) Alexander Minj

23.07.2021

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

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

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

Ms. Anjana Masih , Ld. Counsel for applicants through VC.

Ms. Agnes Iqbal, Ld. Counsel for complainant.

IO/ASI Sanjeev Kumar is present 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 as per the directions of the Court applicants joined the investigation on 18.07.2021.

3. A perusal of report of IO also reveals that the applicants have joined the investigation on 18.07.2021. IO submitted that applicants are not required for the investigation, charge sheet is almost finalized and will file in the Court shortly.

4. Accordingly, keeping in mind the facts and circumstances of this case and the fact that the applicants have joined the investigation, this Court deems it fit to grant anticipatory bail to the applicants Anuj Minj, Alice Rebecca Minj, Roja Minj and Alexander Minj on the following conditions:-

- i. In the event of arrest, applicants shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 10,000/- each with one surety each of the like amount to the satisfaction of the SHO/IO.
- ii. The applicants are directed not to leave NCT of Delhi without prior permission of the Court.
- iii. The applicants shall join investigation as and when called for.
- iv. The applicants are directed to give all their mobile numbers to the Investigating Officer and keep them operational at all times.
- v. The applicants shall give their addresses to the IO and if they changes the address they shall intimate the same to the IO.
- vi. The applicants shall not, directly or indirectly, contact or

pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicants are trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

5. 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 applications stand disposed off.

6. 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/23.07.2021

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

Bail Application No. 1644/21

FIR No. 179/2021

U/s 307/341/506/34 IPC

P.S. Burari

State Vs. Sulekh Chand Singhal

23.07.2021

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

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Sulekh Chand Singhal for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Pankaj Kumar, Ld. Counsel for applicant through VC.
Sh. S.A. Rajput, Ld. Counsel for complainant through VC.
IO/SI Pushpender is present through VC.
Report of IO received.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that applicant is a senior citizen of 64 years. He further submits that there is a civil dispute pertaining to the property going on between the applicant

and the complainant and this fact has been admitted by the complainant himself. He further submitted that no time and place of incident has been mentioned by the complainant. He further submitted that there is not an iota of evidence against the applicant. He further submitted that complainant is regularly harassing the applicant, and had earlier filed an FIR qua cheating against the accused, which eventually led to filing of closure report. Thus, it was submitted that accused ought to be granted anticipatory bail.

3. *Per contra*, Ld. Addl. PP for the State alongwith IO, assisted by Ld. Counsel for complainant have vehemently opposed the present anticipatory bail application as per law. IO submitted that applicant has joined the investigation on 26.03.2021 as directed by the Court vide order dated 25.03.2021.
4. Submissions heard and record perused.
5. A perusal of the record reveals that, as per the reply of the IO, three unknown persons caused simple injuries to the complainant, and also threatened him to withdraw the civil case filed against the applicant herein. The IO further averred that the applicant herein has been joining the investigation as and when called by the IO.
6. Regarding the issue of cooperation with the investigating agencies, it would also be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat &***

Anr., (2016) 1 Supreme Court Cases 152:-

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

(i).....

(ii).....

*(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. **In cases where the court is of the considered view that the accused has joined the investigating agency 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, keeping in mind the fact that the applicant has been joining the investigation coupled with the factum of the applicant being a senior citizen., this Court deems it fit to grant anticipatory bail to the applicant Sulekh Chand Singhal on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.

- b) The applicant is directed not to leave NCT of Delhi without prior permission of the Court.
 - c) The applicant shall join investigation as and when called for.
 - d) The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - e) The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
 - f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him / her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
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/23.07.2021

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

BAIL APPLICATION NO. 1864/21

FIR NO. 482/2020

PS Wazirabad

U/s 498A/406/34 IPC

State vs Ajay Kumar Tiwari

23.07.2021

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

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

Sh. Rakesh Kumar, Ld. Counsel for

applicant/accused through VC.

IO/SI Neeraj Kumar, PS Wazirabad through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused Ajay Kumar Tiwari. Arguments were heard *in extenso*, the gist whereof is

discussed hereunder.

2. Ld. Counsel for applicants submitted that applicant has been falsely implicated in the present case at the instance of complainant. Ld. Counsel further submitted accused does not have any previous criminal antecedents and he is presently working as a Subedar in Indian Army. Ld. Counsel for the accused submitted that applicant/accused herein is the brother of husband of complainant and he has no concern with the present allegations alleged herein. Ld. Counsel further submitted that the marriage of the complainant and brother of the accused was solemnized on 08.02.2015 and thereafter they shifted to Kotputli Cement Works, Rajasthan on 16.03.20215 without any permission from her in laws and also of the applicant's brother. He further submitted that complainant herein had been living separately from the applicant as well as from her in-laws. Ld. Counsel further contended that the accused herein is ready to join the investigation and thus the accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State and IO have opposed the application as per law. Ld. APP for the State has submitted that the accused is the brother of the husband of the complainant.

4. Submissions heard.

5. Perusal of record reveals that the accused herein and complainant are Devar and Bhabi. Thereafter, the complainant filed the present criminal case alleging instances of cruelty and demand of dowry.

5. In matters pertaining to matrimonial disputes, it would be apposite to refer to the following extract of **Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-**

23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with***

****The DCP/ACP shall ensure that the alleged***

articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.

**Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refuse the bail in exceptional circumstances.*

** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.*

**In the matrimonial cases bail is a rule and refusal is an exception.*

6. A perusal of the record reveals that the case prima facie has emanated pursuant to marital discord between the parties. The marriage between applicant's brother and the complainant was an arranged marriage solemnized on 08.02.2015 according to Hindu rites and rituals. It also came to the notice after perusing the reply of the IO that no notice has been served as yet to the applicant/accused herein to join the investigation. A perusal of the record, specially of the application for anticipatory bail, also reveals that the husband of the complainant had filed a divorce petition on 05.08.2019, and it was thereafter in September 2019 that the present complaint was made by the complainant. During the course of arguments, Ld. Counsel for the accused has also submitted that the accused husband had spent considerable money on the complainant herein by

showering her with gifts, taking her out on trips, and also funding the education of her sister. Purported proofs of these transactions have already been placed on record vide the said application, and the IO can conduct investigation qua them without the necessity of custodial interrogation, as the said evidence is primarily documentary in nature. Needless to say, the applicant herein shall fully co-operate with the investigation of the matter and shall report to the IO as and when required. As far as the applicant hereis concerned was not residing with the complainant and her husband. It is thus apparent that no purpose would be served incarcerating the applicant at this juncture. Under these circumstances, this court is of the opinion that applicant/accused Ajay Tiwari be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave the Country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.

d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.

e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.

f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact her and trying to put pressure on her then the protection granted by this Court shall stand cancelled.

9. 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.

7. 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/23.07.2021

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

BAIL APPLICATION NO. 1864/21

FIR NO. 482/2020

PS Wazirabad

U/s 498A/406/34 IPC

State vs Shanti Devi

23.07.2021

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

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

Sh. Rakesh Kumar, Ld. Counsel for applicant/
accused through VC.

IO/SI Neeraj Kumar, PS Wazirabad through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused/applicant Shanti Devi. Arguments were heard *in extenso*,

the gist whereof is discussed hereunder.

2. Ld. Counsel for applicants submitted that applicant has been falsely implicated in the present case at the instance of complainant. Ld. Counsel further submitted accused does not have any previous criminal antecedents and she is mother in law of complainant. Ld. Counsel further submitted that the marriage of the complainant and the son of the accused was solemnized on 08.02.2015 and thereafter they shifted to Kotputli Cement Works, Rajasthan on 16.03.20215 without any permission from their family members. Ld. Counsel further contended that the accused/applicant herein is ready to join the investigation, and thus the accused/applicant ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State and IO have opposed the application as per law. Ld. APP for the State has submitted that the accused is the mother in law of the complainant.

4. Submissions heard.

5. Perusal of record reveals that the accused herein is the mother in law of the complainant. The complainant filed the present criminal case alleging instances of cruelty and demand of

dowry.

5. In matters pertaining to matrimonial disputes, it would be apposite to refer to the following extract of **Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-**

23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with***

****The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.***

****Similarly, the Court while considering the***

bail under Section 437, 438,439 Cr.P.C. shall refused the bail in exceptional circumstances.

**** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.***

****In the matrimonial cases bail is a rule and refusal is an exception.***

6. A perusal of the record reveals that the case prima facie has emanated pursuant to marital discord between the parties. The marriage between son of applicant and the complainant was an arrange marriage solemnized on 08.02.2015 in accordance with Hindu rites and rituals and soon after the marriage i.e., on 22.02.2015 they shifted to somewhere in Rajasthan. It also came to the notice after perusing the reply of the IO that no notice has been served to the applicant/accused herein to join the investigation. A perusal of the record, specially of the application for anticipatory bail, also reveals that the husband of the complainant had filed a divorce petition on 05.08.2019, and it was thereafter in September 2019 that the present complaint was made by the complainant. During the course of arguments, Ld. Counsel for the accused has also submitted that the accused husband had spent considerable money on the complainant herein by showering her with gifts, taking her out on trips, and also funding the

education of her sister. Purported proofs of these transactions have already been placed on record vide the said application, and the IO can conduct investigation qua them without the necessity of custodial interrogation, as the said evidence is primarily documentary in nature. Needless to say, the applicant herein shall fully co-operate with the investigation of the matter and shall report to the IO as and when required. As far as the applicant herein is concerned, was not residing with the complainant and her husband. It is thus apparent that no purpose would be served incarcerating the applicant at this juncture. Under these circumstances, this court is of the opinion that applicant/accused Shanti Devi be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, she shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave the Country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.
- d) The applicant/accused is directed to give her mobile

numbers to the Investigating Officer and keep them operational at all times.

e) The applicant/accused shall give his address to the IO and if they change the address she shall intimate the same to the IO.

f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact her and trying to put pressure on her then the protection granted by this Court shall stand cancelled.

9. 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.

7. 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/23.07.2021

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

BAIL APPLICATION NO. 1864/21

FIR NO. 482/2020

PS Wazirabad

U/s 498A/406/34 IPC

State vs Akhilesh Kumar Tiwari

23.07.2021

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

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

Sh. Rakesh Kumar, Ld. Counsel for applicant/
accused through VC.

IO/SI Neeraj Kumar, PS Wazirabad through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused Akhilesh Kumar Tiwari. Arguments were heard *in extenso*, the gist whereof is

discussed hereunder.

2. Ld. Counsel for applicants submitted that applicant has been falsely implicated in the present case at the instance of complainant. Ld. Counsel further submitted accused does not have any previous criminal antecedents and he is presently working as an Associate Manager in Vedanta Alumina Ltd. Ld. Counsel for the complainant submitted that applicant/accused herein is the husband of complainant. Ld. Counsel further submitted that the marriage of the complainant and the accused was solemnized on 08.02.2015 and thereafter they shifted to Kotputli Cement Works, Rajasthan on 16.03.20215 without any permission from their family members. Ld. Counsel further contended that the accused herein has already joined the investigation and he is also ready to co-operate with the investigating agency, and thus the accused/applicant ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State and IO have opposed the application as per law. Ld. APP for the State has submitted that the accused is the husband of the complainant. He further submitted that accused is not co-operating in the investigation and willfully concealing the whereabouts of dowry article.

4. Submissions heard.

5. Perusal of record reveals that the accused herein and complainant are husband and wife. The complainant filed the present criminal case alleging instances of cruelty and demand of dowry.

5. In matters pertaining to matrimonial disputes, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with***

****The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure***

could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.

**Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refuse the bail in exceptional circumstances.*

** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.*

**In the matrimonial cases bail is a rule and refusal is an exception.*

6. A perusal of the record reveals that the case prima facie has emanated pursuant to marital discord between the parties. The marriage between applicant and the complainant was an arranged marriage solemnized on 08.02.2015 according to Hindu rites and rituals and soon after the marriage i.e., on 22.02.2015 they shifted to somewhere in Raipur. It also came to the notice after perusing the reply of the IO that notice has been served to the applicant/accused herein to join the investigation, and applicant did join the investigation on 03.07.2021. A perusal of the record, specially of the application for anticipatory bail, also reveals that the husband of the complainant had filed a divorce petition on 05.08.2019, and it was thereafter in September 2019 that the present complaint was made by the complainant. During the course of arguments, Ld. Counsel for

the accused has also submitted that the accused husband had spent considerable money on the complainant herein by showering her with gifts, taking her out on trips, and also funding the education of her sister. Purported proofs of these transactions have already been placed on record. Vide the said application, and the IO can conduct investigation qua them without the necessity of custodial interrogation, as the said evidence is primarily documentary in nature. Needless to say, the applicant herein shall fully co-operate with the investigation of the matter and shall report to the IO as and when required. It is thus apparent that no purpose would be served incarcerating the applicant at this juncture. Under these circumstances, this court is of the opinion that applicant/accused Akhilesh Tiwari be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave the Country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.

d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.

e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.

f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact her and trying to put pressure on her then the protection granted by this Court shall stand cancelled.

9. 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.

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

(Arul Varma)
ASJ/Special Judge, Electricity
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