

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

Bail Application No. 2434/2021

FIR No. 98/21

U/s 307/120B/34/411 IPC

P.S. Burari

State Vs. Naveid Khan

20.09.2021

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 Naveid Khan for grant of regular bail.

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

Sh. Rushtam Kuraishi, Ld. Counsel for applicant.

Order on Bail Application

1. Ld. Counsel for applicant submitted that there have been changes in the circumstances since dismissal of the first bail application by this Court on 04.08.2021. It was submitted that co-accused Nasim Ahmed and Amit Mehra have already been granted bail. He further submitted that chargesheet has been filed. Therefore, accused ought to be granted bail.

2. *Per-contra* Ld. Addl. PP for the State has opposed the bail application as per law. He submitted that grounds of parity are not made out as role played by the other accused persons are different.

3. Submissions heard.

4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: The brief facts of the case are that on 15.02.2021, a PCR call vide DD No.52A & 53A regarding a man is stabbed at near Radha Krishan Mandir, Chandan Vihar, Burari, and PCR caller taken him to hospital where doctor opined that “Assault by persons on bike with knife and patient is unfit for statement” (Incise wound of size 15 cm over right side of occipital region”. During investigation the CCTV footage obtained of that area, it was found that the motorcycle used in the incident was parked in front of the house of accused Amit. On investigation, accused Amit disclosed that the motorcycle belongs to one Naseem. Thereafter, Naseem was apprehended, who disclosed that he lives in the building as that of the complainant. On account of altercation of the complainant and him, their relations were strained. On account of rivalry, with respect to the water dispute, accused Naseem had arranged an attack on the complainant through his accomplices accused Imran and accused Naveid. Both accused and Naveid were apprehended from Amroha, UP. Thereafter, on further investigation, all accused persons were arrested on 20.02.2021. During investigation, it was found that Imran was attacker and accused Naveid was rider of the motorcycle which was used

in the commission of offence. Therefore, the present FIR came to be registered.

5. A perusal of the record reveals that pursuant to dismissal of first bail application of the accused herein on 04.08.2021, chargesheet has been filed in the present matter. Co-accused Amit Mehra has already been granted bail. Further, co-accused Nasim Ahmed has been granted by Hon'ble High Court of Delhi vide order dated 31.08.2021. Further, during the course of arguments, it was revealed that in the earlier case registered in Uttar Pradesh, pending against the accused, he was arrested on 08.09.2017, and was granted bail shortly thereafter on 16.09.2017.

6. Under these circumstances, keeping in mind the change in the circumstances since dismissal of first application, the fact that other accused persons have already been granted bail, and chargesheet has been filed, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Naveid Khan is admitted on bail on furnishing bail bond and surety bond of Rs. 10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
- ii. He shall not hamper the trial or investigation in any manner.

- iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about ant change qua the same, without any delay, to the IO/Court.
 - iv. He shall join the investigation/attend trial without default.
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.
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/20.09.2021

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

Bail Application No. 2444/21
FIR No. 541/21
U/s 306/34 IPC
P.S. Burari
State Vs. Ayush Panwar @ Nitin

20.09.2021

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.

Fresh application u/s 439 Cr.P.C. has been moved on behalf of applicant Ayush Panwar @ Nitin for grant of regular bail.

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

Sh. P.S. Rana, Ld. Counsel for applicant.

Let report of IO be called for 24.09.2021.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021

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

Bail Application No. 2445/21

FIR No. Not Known

U/s Not Known

P.S. Burari

State Vs. Rahul Kumar

20.09.2021

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.

Fresh application u/s 438 Cr.P.C. has been moved on behalf of applicant Rahul Kumar for grant of anticipatory bail.

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

Sh. Manoj Kumar Sharma, Ld. Counsel for applicant.

Let report of IO be called for 22.09.2021.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021

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

Bail Application No. 2442/21
FIR No. 416/21
U/s 406/498A/34 IPC
P.S. Wazirabad
State Vs. Rajendra Prasad & Ors.

20.09.2021

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.

Fresh application u/s 438 Cr.P.C. has been moved on behalf of applicant Rajendra Kumar for grant of anticipatory bail.

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

Sh. Vijendra Singh Dhangar, Ld. Counsel for applicant.

Let report of IO be called for 23.09.2021.

Order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021

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

Bail Application No. 2443/21

FIR No. 416/21

U/s 406/498A/34 IPC

P.S. Wazirabad

State Vs. Dayawati

20.09.2021

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.

Fresh application u/s 438 Cr.P.C. has been moved on behalf of applicant Dayawati for grant of anticipatory bail.

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

Sh. Vijendra Singh Dhangar, Ld. Counsel for applicant.

Let report of IO be called for 23.09.2021.

Order be uploaded on the website of the District Court.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021**

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

Bail Application No. 2229/21
FIR No. 566/18
U/s 420/120B/34 IPC
P.S. Burari
State Vs. Amit Tyagi

20.09.2021

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 438 Cr.P.C. has been filed on behalf of accused Amit Tyagi for grant of anticipatory bail.

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

Sh. Hansraj Singh, Ld. Counsel for applicant.

IO/SI Satender Singh not present.

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 only role attributed to the applicant is of showing the documents to the complainant. It was submitted that the accused herein did so only

at the bidding of his brother i.e. co-accused Dheeraj Tyagi. It was submitted that accused herein has not committed any forgery, and that documents in question are genuine. Ld. Counsel submitted that accused is ready to join the investigation and would also show the original documents to the IO. It was also submitted that accused does not have any previous involvement, thus he ought to be granted anticipatory bail.

3. *Per contra*, Ld. Addl. PP for the State vehemently opposed the present anticipatory bail application as per law. It was submitted that co-accused Dheeraj Tyagi has duped several individuals and FIRs have been registered against the co-accused. It was submitted that accused herein has also helped the co-accused in committing this offence and thus he ought not to be granted anticipatory bail.
4. Before adverting 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 he was approached that he was approached by co-accused Dheeraj Tyagi in December 2008. Dheeraj Tyagi persuaded complainant to purchase property i.e. 70 Yards out of Property bearing Khasra No. 9/21-22, Village Kamalpur Majra, Burari Delhi. When complainant asked Dheeraj Tyagi to show chain of documents of Property in question same were shown by accused Amit Tyagi S/o Shiv Kumar Tyagi. Shiv Kumar Tyagi S/o Sh. Amir Singh also convinced complainant for the purchase of property. On 09.01.2009 Dheeraj

Tyagi executed agreement to sale, GPA etc in favour of complainant after receiving cash Rs. 2.5 Lakhs. The complainant approached accused persons to give the possession of property in question but same was not given to him. Later on complainant came to know that the co-accused Dheeraj Tyagi was not real owner of the property in question.

Co-accused Dheeraj Tyagi was involved in number of similar cases he remained absconding. Reward of Rs. 50,000/- was declared on his arrest. On 28.05.2021 accused Dheeraj Tyagi and his father Shiv Kumar Tyagi were arrested by Spl Staff North, whereas accused Amit Tyagi remained absconding. On 29.05.2021 accused Dheeraj Tyagi and Shiv Kumar Tyagi were arrested in present case.

During the course of investigation exhibits. Original documents in connection sale of property in question were taken in possession and same have been sent to FSL alongwith specimen signatures of accused Dheeraj Tyagi FSL result is awaited. During investigation it revealed that accused sold same piece of land to the number of persons. Hence, the present FIR came to be registered.

5. A perusal of record reveals that the only role attributed to the accused herein is of showing documents, that too at the behest of co-accused Dheeraj Tyagi. There are no allegations qua forgery of the said documents by the accused herein. During the course of arguments it was vehemently contended by Ld. Counsel for

accused that accused is in possession of original documents and he would furnish the same to the IO. Taking this submission into account and also the fact that accused has clean antecedents, this Court deems it fit to grant anticipatory bail to the applicant/accused Amti Tyagi 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 the country without prior permission of the Court.
- c) The applicant shall join investigation as and when called for and shall show the original documents to the IO.
- 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.

6. 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.
8. TCR be sent back alongwith copy of this order.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021

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

Bail Application Nos. 2395/21
FIR No. 654/21
U/s 323/354/506/509/34 IPC
P.S. Wazirabad
State Vs. Ram Balak Das @ Amit

20.09.2021

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 438 Cr.P.C. has been filed on behalf of accused Ram Balak Das @ Amit for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
Sh. H.L. Diwan, Ld. Counsel for applicant.
Sh. Anil Kumar Koli, Ld. Counsel for complainant alongwith complainant.
IO/ASI Ashok Kumar also present.

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 peace loving citizen and holds the prestigious position in the society being the Mahant of Shri Sita Ram Ashram, and has also the Chariman of Shri Sita Ram Ashram Trust (Reg.). It was submitted that accused has clean antecedents and that the present FIR is merely a counter blast qua the complaint filed by the accused herein against the complainant herein. It was submitted that in the complaint, which is pending before the Court of Sh. Kapil Kumar, Ld. MM i.e. CC No. 939/20, titled Shri Ram Balak Dass Vs. Raju Ranjan, Manju (complainant herein) and Ashu, it was alleged that complainant and her husband started residing in the Ashram in the year 2005 and have not vacated from the premises. It was submitted by Ld. Counsel for accused that there is video clipping dated 19.08.2021 wherein a mere quarrel between two ladies namely Manju and Vasu has been given a criminal hue pertaining to offence u/s 323/506/509 IPC. It was submitted that accused is ready and willing to join the investigation and thus he ought to be granted anticipatory bail.
3. *Per contra*, Ld. Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for complainant vehemently opposed the anticipatory bail application as per law. The IO, presented the video clipping of the incident before the Court, and it was contended by Ld. Addl. PP for the State that a perusal thereof would reveal that the applicant herein gave beatings to the complainant.

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 Manju Devi that on 19.08.2021 at around 4:15 PM the accused and another lady hurled abuses at her, misbehaved with her and also gave her beatings and threatened her with dire consequences. 100 number call was made by the complainant and she was medically examined in the hospital whereafter the present FIR came to be registered.
5. A perusal of record reveals that serious allegations of causing beatings and misbehaving with the complainant, have been levelled against the accused. This Court had the occasion of viewing the CCTV footage of the act, which was caught on camera by a bystander. A perusal of the same belies the submission of Ld. Counsel for the accused who contended that the present act was merely a quarrel between two ladies. A perusal of the said video would make it explicit that the accused herein, alongwith another lady have beaten the complainant mercilessly with a danda. A perusal of MLC of complainant reveals that she had sustained multiple injuries on different parts of her body. It seems that applicant had the option of separating the two ladies who were fighting, rather he jumped in, not as saviour, which behoves his states as a Mahant, rather he became a perpetrator. It is trite that

all religions preach peace and harmony, and men of religion are not expected to indulge in any form of violence. However, the video footage reveals a glaring aberration wherein a Mahant has descended into the arena of being troublemaker rather than being adopting the role of a peacemaker. It has also been pointed out by the IO that despite several attempts, accused herein has not joined the investigation.

6. Regarding non-joining of accused in investigation, it would be apposite to peruse the judgment ***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 gravity of the offence, severity of the punishment that the offence entails,

the role attributed to the accused herein, the fact that complainant has been beaten mercilessly and the fact that applicant is not joining the investigation, 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/20.09.2021

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

Bail Application No. 2413/21
FIR No. 723/21
U/s 376/328/506 IPC
P.S. Burari
State Vs. Arvind Kumar Sharma

20.09.2021

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 438 Cr.P.C. has been filed on behalf of accused Arvind Kumar Sharma for grant of anticipatory bail.

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

Sh. Deva Mani Mishra and Sh. Sanjay Sharma, Ld. Counsel for applicant.

Sh. Sanjay Kumar, Ld. Counsel for prosecutrix alongwith prosecutrix.

IO/WSI Sonika is also present.

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. At the outset, Ld. Counsel for applicant /accused submitted that the present case is a glaring example of misuse of provisions of law wherein a senior citizen has been falsely implicated. It was submitted that FIR has been filed belatedly, and reasons thereof have not been explained by the prosecution. It was submitted that the genesis of the present case is undue demand of share in property of the accused would made by the prosecutrix herein. It was submitted that soon after the marriage, the complainant and the son of the accused left the home of the accused and started residing somewhere else. It was submitted that vide publication in local newspaper dated 25.06.2021, accused herein had severed ties with his son and the complainant. It was vehemently argued by Ld. Counsel for the accused that the present case is peculiar in nature in as much as, according to the prosecutrix, it was the applicant / accused who had himself apprised the prosecutrix that he has raped her. Ld. Counsel has thus doubted the veracity of the complaint. During the course of arguments Ld. Counsel also expressed his anguish by quoting following verse from the Bhagwat Gita presumably in order to contend that infamy has been caused to the accused:-

akirtin capi bhutani kathayisyanti te. vyayam.

Sanbhavitasya cakirtirmaranadatiricyate || 2.34 ||

Meaning: *And everyone will also speak of your long-lasting disrepute and for the honorable man, disgrace is more than death.*

3. *Per contra*, Ld. Addl. PP for the State alongwith the IO and assisted by Ld. Counsel for the prosecutrix vehemently opposed the present anticipatory bail application as per law. It was submitted that prosecutrix is only 22 years of age and it is difficult to believe that a woman would make false claims regarding the incident of rape. It was pointed out by Ld. Addl. PP for the State that the prosecutrix went to IHBAS on 30.06.2021 as she was severely depressed because of the said incident. It was also submitted by the Ld. Addl. PP for the State that the victim has corroborated here statement u/s 164 Cr.P.C., and thus accused ought not to be granted anticipatory bail.
4. Before adverting 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 that on the complaint of prosecutrix aged about 22 years the present case has been registered on 25.08.2021, in which prosecutrix has alleged that she got married to Jayant Sharma in Arya Samaj Mandir with the consent of her family on 10.06.2021. Further, she alleged that on 13.06.2021 and 14.06.2021 at around 9 PM her father-in-law (applicant herein) offered the juice to her after that in night her husband left the door of their room opened and in the morning she found that something had happened with her while sleeping, about which she asked her husband whether something had happened between them in night but he did not reply anything.

On 20.06.2021 she denied for the juice offered by her father-in-law (applicant herein) then at around 10 PM applicant/accused came in her room and dragged her out of the room and started beating her and asked her to take divorce from his son and started treating her misappropriate manner and shown her a video in his phone in which he was sexually assaulting her. Hence, the present FIR came to be registered.

5. A perusal of the record reveals that serious allegations of commission of rape after administration of intoxicating stuff, have been levelled against the accused herein. It has come to the fore that the marriage between the son of the applicant herein and the victim was solemnized on 10.06.2021 at the Arya Samaj Mandir, without the consent of the parents of the son of the applicant. It was submitted that relations turned sore and on 21.06.2021 husband and wife duo left the home of accused herein and started residing elsewhere. On 25.06.2021, the accused herein disowned his son and the complainant vide publication to this effect in a vernacular newspaper. It was alleged by the prosecutrix that the offence took place on 20.06.2021, however FIR has been registered belatedly on 26.08.2021. A perusal of the complaint would reveal that allegations have been made that soon after the marriage, the accused used to come to the room, and give juice to her at 9 PM whereafter the complainant used to fall asleep and get up only on the next date. Allegations have been made that this

practice continued for a few days. Prima facie it seems implausible that a woman would accept juice, which had the effect of making her unconscious, and that too on multiple occasions. Further, this Court is inclined to concur with the assertions of Ld. Counsel for the accused that it is difficult to believe that the said offence took place in the presence of the husband of the complainant and younger son of the applicant, who reside in the same house.

6. Under these circumstances, this Court does not deem it fit to subject the accused to incarceration. Accordingly, applicant/accused Arvind Kumar Sharma is hereby granted anticipatory bail 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 the country without prior permission of the Court.
 - c) The applicant shall join investigation as and when called for and shall handover the phone to the IO in which alleged video is made.
 - 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.
- g) IO shall ensure that the victim is adequately counselled with the help of support persons from DCW / other organizations.
7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/20.09.2021

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

Bail Application Nos. 2345/21 & 2414/21

FIR No. 683/21

U/s 147/148/149/323/308 IPC

P.S. Wazirabad

State Vs. Israr and Ibrahim

20.09.2021

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 applications u/s 439 Cr.P.C. has been filed on behalf of accused Israr and Ibrahim for grant of regular bail.

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

Sh. Harender Kumar, Ld. Counsel for applicant Israr.

Sh. Rajan Bhatia, Ld. Counsel for applicant Ibrahim.

IO/ASI Shokender also present.

Reply of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the two bail applications filed on behalf of the accused Israr and Ibrahim as they are emanating from the same FIR. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant / accused Israr submitted that the present FIR has been registered on account of petty dispute between immediate neighbours. He further submitted that all the persons involved in the melee only sustained simple injuries. Further, accused was sent to J/C on 30.08.2021. Ld. Counsel for applicant Israr invited the Court's attention to page 13 of his application, which is purportedly a settlement agreement between parents / relatives of the warring factions. It was vehemently argued that since the matter has been settled, bail ought to be granted.
3. Ld. counsel for applicant / accused Ibrahim also argued in similar lines and submitted that role of individual assailants have not been clearly elucidated. It was submitted that applicant Israr and three other accused sustained injuries on the head and despite this fact, section 308 IPC has been invoked on the accused themselves. He further submitted that applicant has no previous involvement.
4. *Per contra*, Ld. Addl. PP for the State alongwith the IO, vehemently opposed the bail application as per law. It was submitted that 12 PCR calls were made with respect to the incident and three bags of bricks were recovered. It was submitted that injuries were caused to minor child and since investigation is on going, bail ought not to be granted.
5. Before adverting 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 that on 29.08.2021 pursuant to PCR call recorded vide DD No. 33A, police officials reached Gali No. 8, Jagatpur. The statement of the Beat Constable of Jagatpur was recorded wherein he has stated that two factions had formed an unlawful assembly and entered into a skirmish with each other pursuant to which stones and bricks were hurled at each other. Injuries were caused not only to the participants therein but to others as well. Thus, the present FIR came to be registered.

6. A perusal of record reveals that peace and harmony of the society has been disrupted on account of an apparently trivial issue. However, the assailants herein, instead of diffusing the situation, gave a clarion call to other cohorts to join the melee, which resulted in a free for all situation. During the course of arguments it was brought to the fore that around 12 PCR calls were made, prima facie leading to the inference that the scuffle continued unabated for a considerable period of time. It is not a case where only one or two pieces of stones or bricks were used, rather three bags of bricks were recovered. Both sides have suffered injuries. However, the disturbing aspect of this ruckus is that a girl of tender age suffered serious injuries on her head and doctor put stitches on her head. This fact was correctly noted by the Ld. MM while dismissing the bail application vide order dated 06.09.2021, and the same warrants no interference. Investigation in the matter

is ongoing.

7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, the roles attributed to the accused herein and the fact that during scuffle between two parties, injuries have been caused to a minor girl, this Court is of the opinion that the accused persons Israr and Ibrahim ought not to be granted bail at this juncture. Accordingly, the present bail applications are 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 bail applications stand 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/20.09.2021

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

Bail Application No. 2433/21
FIR No. 33/21
U/s 392/394/34 IPC
P.S. Burari
State Vs. Karan

20.09.2021

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 Karan for grant of regular bail.

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

Sh. B.R. Bakshi, Ld. Proxy counsel for Sh. Jagmohan Sharma
Ld. Counsel for applicant.

IO is not 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 16.01.2021. He further submitted that recovery has already been effected in this case. He further submitted no one was arrested at the spot and applicant was arrested in the instant case only on the disclosure statement of co-accused. He further submitted that co-accused Harish Rajpoot @ Bonny was discharged as complainant has failed to identify him in the TIP proceedings. He further submitted that co-accused Ritik Sisodia has already been granted bail. Thus, bail ought to be granted to the applicant on the grounds of parity.
3. *Per contra*, Ld Addl. PP for the State, vehemently opposed the bail application as per law. It was submitted that applicant has refused to participate in the TIP.
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 he was robbed off Rs. 500/- and a wallet from his pocket and also his mobile phone. Later on co-accused Ritik Sisodia and applicant/accused Karan were arrested and disclosed their active involvement in the alleged incident. Both the accused persons refused to participate in the TIP proceedings. Further at the instance of applicant/accused Karan and co-accused Ritik Sisodia, one of their associates namely Harish Rajpoot was arrested, however he was discharged in the present case as complainant

failed to identify him in the TIP proceedings. Robbed mobile phone was recovered from the spot.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that allegations of committing robbery and hitting the complainant have been levelled against the applicant. However, co-accused Harish Rajpoot has been discharged as complainant failed to identify him during TIP proceedings. It is a matter of record that the robbed mobile has already been recovered. Thus, recoveries have already been effected. Further, as per the report of the IO, the accused has clean antecedents.
6. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Karan is admitted on bail on furnishing bail bond and surety bond of Rs 10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:
 - i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
 - ii. He shall not hamper the trial or investigation in any manner.
 - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to

inform about any change qua the same, without any delay, to the IO/Court.

iv. He shall join the investigation/attend trial without default.

v. If he shall commit the similar offence again, then the State is at liberty to move an application for cancellation of bail.

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/20.09.2021