

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

BAIL APPLICATION NO. 1881/21

FIR NO. 204/2021

U/S 308/452/323/506/34 IPC

P.S. Timarpur

State vs Vishal

26.07.2021

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. Vineet Jain, Ld. Counsel for applicant through VC.

IO/ASI Bhushan is present through VC.

**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 has been falsely implicated in the present case by the complainant. He further submitted that applicant / accused has no criminal antecedents. He further submitted that as per the FIR, not a single allegation has been levelled against accused Vishal. Ld. Counsel

submitted that accused is in J/C since 23.06.2021. He further submitted that there are cross FIRs between the parties. Thus, according to him, the accused ought to be enlarged on bail.

3. Per *contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the application. The IO submitted that the accused may threaten the witnesses and can tamper the evidence, and therefore, bail ought not to be granted.
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 is alleged that one Rahul who is real brother of the accused Vishal, went to the mobile shop of complainant Prince at Old market Timarpur to get mobile repaired. Being busy in repairing in another mobile phone, complainant Prince asked him to wait for a while. When Rahul insisted to attend him first, they started arguments leading to scuffle. Rahul allegedly slapped Prince and also hit him by a rod and also extended threats to kill him. After the said incident when complainant Prince reached home, he saw Rahul beating his father Sanjay. On seeing him, Rahul fled from there but returned soon armed with sticks with accused Vishal, Rohit @ Chunchun, (BC of PS Timarpur), Rajeev @ Raj (BC of PS Timarpur) entered into the house of the complainant and beat the complainant Prince,, his younger brother Anuj and his father Sanjay Singh. All of them sustained injuries. Offenders also received some injuries.

Therefore, the present FIR was registered on the statement of Prince S/o Sanjay and investigation was conducted.

5. Adverting to the rival contentions of both sides, a perusal of the record, especially reply of the IO accused Vishal is in J/C since 23.06. 2021. No recovery has to be affected from the accused Vishal. Further, this Court is inclined to concur with the submissions of Ld. Counsel for accused Vishal that no specific averments have been made by the complainant against the accused Vishal. Keeping in mind that accused Vishal has never been involved in commission of an offence, this Court cannot rely on the mere *ipse-dixit* of the IO that the accused Vishal would tamper the evidence and may threaten the witness if enlarged on bail. Further, the apprehensions of accused Vishal threatening the witnesses have also not been substantiated. Under these circumstances, this Court deems it fit to grant bail to the accused. Accordingly, the accused Vishal is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- 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.
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 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/26.07.2021**

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

BAIL APPLICATION NO. 1880/21

FIR NO. 164/2021

U/s 419/420/411/201/34 IPC

P.S. Bara Hindu Rao

State vs Nasiruddin @ Nasir

26.07.2021

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. Vineet Panwar, Ld. Counsel for applicant through VC.

IO/SHO Inspector Gurnam Singh, SHO, PS BH Rao is present through VC.

**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

has been falsely implicated in the present case. He further submitted that applicant/accused accused is in judicial custody since 01.07.2021 and despite being taken on police remand for a day, nothing was recovered from the accused. It was strenuously canvassed that co-accused Jatin was already released on bail on 19.07.2021. Ld. Counsel for accused submitted that Nasiruddin @ Nasir is a *Karigar* and it was Jatin who was a goldsmith/Jeweler. Ld. Counsel for accused submitted that accused has never been previously involved in commission of any offence, and that he had no role to play in the commission of the present offence. Thus, according to him, the accused ought to be enlarged on bail.

3. Per *contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the application as per law. The IO submitted that it was upon Nasiruddin's guidance that his brother Shabuddin had collected the gold from Suraiya and handed over to Jatin. It was submitted that the jewelery items were identified by the complainant, co-accused Shabuddin is yet to be arrested, and that Nasiruddin's custody is required for identification of Suraya.
4. Submissions of both sides heard.
5. 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 that on 10.06.2021, the complainant Sukhendu Jana was going to deliver his approx 915 Grams jewelery to Chandni Chowk, Delhi. In the way, at about 2:15 p.m., when his auto reached near DCM Mall, four persons on two motorcycles stopped their auto on the pretext of checking by Crime branch Officers, and took his bag of jewellery. They asked him to bring the bill from his shop and fled away with jewelery bag. On the statement of complainant, present case was registered.

6. Adverting to the rival contentions of both sides, a perusal of the record, reveals that accused herein was not one of the four persons who had accosted the complainant on 10.06.2021, or had taken the bag of jewellery from the complainant by posing as a Crime Branch Officer. Co-accused Jatin has already been released on bail, and recoveries have already been effected. Under these circumstances, this Court deems it fit to grant bail to the accused Nasiruddin. Accordingly, the accused Nasiruddin @ Nasir is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- 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 as and when required by the IO/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.
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/26.07.2021**



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

BAIL APPLICATION NO. 1876/21  
FIR NO. 135/21  
PS Burari  
U/s 307 IPC  
State vs Neeraj

26.07.2021

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. Harsh Hardy, Ld. Counsel for applicant through VC.  
IO/SI Satender Singh through VC.

1. Vide this order, this Court shall adjudicate upon the bail application under Section 439 Cr.P.C., filed on behalf of the accused/applicant Neeraj. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused submitted that injuries sustained by the complainant, were self-inflicted one. It was submitted that on earlier occasions also the accused and the complainant were

embroiled in a scuffle, and the complainant had withdrawn her complaint pursuant to a settlement deed. Ld. Counsel further submitted that the complainant is a drug addict, and has a habit of blackmailing people. It has been submitted that accused is in Judicial Custody since 03.03.2021. Lastly, it was submitted that the accused has roots in the society and there is no possibility of him fleeing from justice, and accordingly he should be enlarged on bail.

3. *Per contra*, Ld Addl. PP for the State and IO have vehemently opposed the bail application as per law. It was submitted that heinous crime has been committed in a public place, and grievous injuries have been caused to the complainant. It was submitted that there is every likelihood that accused may commit similar offences again.

4. Submissions of both sides heard.

5. A perusal of the record reveals that grievous injuries have caused to the injured i.e., incise wound at right subcostal region that too by a knife used by the accused. Injuries certainly are serious in nature. As far as the contention of the Ld. Counsel for accused are concerned, the same have not been substantiated by any documents. Further, as per submissions of Ld. Counsel for accused himself, there has been a history of quarrel between the parties, which leads to an inference that the accused may, if enlarged on bail, extend threats or may harass the witness of the case. Lastly, It is pertinent to note that the complainant herein is a transgender, and belongs to a vulnerable section of the society.

6. After considering over all the facts and circumstances of the case, taking into the account the gravity of the offence and the role attributed to the applicant, this Court of the considered opinion that no ground of the bail is made out at this juncture. Accordingly, this Court is not inclined to grant bail to the accused Neeraj at this juncture, and therefore present application is hereby dismissed.
7. With these observations, the bail application moved on behalf of accused/applicant Neeraj 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/26.07.2021**

Bail Application No.1973/21  
FIR No.535/2021  
P.S. Burari  
U/s 498A/406/34 IPC  
State Vs. Neeraj Saini

26.07.2021

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 moved for accused Neeraj Saini under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Subodh Kumar, 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 04.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1970/21  
FIR No.535/2021  
P.S. Burari  
U/s 498A/406/34 IPC  
State Vs. Umang Saini

26.07.2021

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 moved for accused Umang Saini under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Subodh Kumar, 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 04.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1971/21  
FIR No.535/2021  
P.S. Burari  
U/s 498A/406/34 IPC  
State Vs. Om Prakash Saini

26.07.2021

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 moved for accused Omprakash Saini under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Subodh Kumar, 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 04.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1972/21  
FIR No.535/2021  
P.S. Burari  
U/s 498A/406/34 IPC  
State Vs. Kusumlata Saini

26.07.2021

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 moved for accused Kusumlata Saini under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Subodh Kumar, 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 04.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1974/21  
FIR No. Not Known  
P.S. Gulabi Bagh  
U/s Not Known  
State Vs. Pritam Singh  
Sandhu

26.07.2021

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 moved for accused Pritam Singh Sandhu under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Simaran Singh, 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 04.08.2021.

Copy of order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/26.07.2021**



Bail Application No.1879/21  
FIR No. Not Known  
P.S. Wazirabad  
U/s Not Known  
State Vs. Wahidullah

26.07.2021

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 moved for accused Wahidullah under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Mr. Raja Nadeem, Ld. Counsel for applicant through VC.

Reply of the application received from PS under the signature of SI Anjani Kumar Singh wherein it has been submitted that as per police record, no FIR has been registered against the applicant/accused herein as no cognizable offence has been made out. Ld. Counsel for applicant also submits that he does not want to pursue the present application. Accordingly, nothing remains to be done in the present applicant. Accordingly, present application is disposed off.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1878/21  
FIR No.246/21  
P.S. Subzi Mandi  
U/s 420 IPC  
State Vs. Anu Kumar Anand

26.07.2021

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 moved for accused Anuj Kumar Anand @ Andy under Section 439 Cr.P.C., for grant of bail.**

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

Sh.Anil Kumar Thakur, Ld. Counsel for applicant  
through VC.

Reply of the IO received. However, IO has not joined the proceedings. Let notice be sent to the IO to appear through CISCO Webex on NDOH.

Perusal of the reply of IO would show that chargesheet in the present matter has already been filed. In view of the same, let TCR be requisitioned for NDOH.

List for arguments on the application on 27.07.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

FIR No.03/2020  
P.S. Wazirabad  
U/s 323/341/308/174-A/34 IPC  
State Vs. Ankit Kumar

26.07.2021

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.

**Present application moved for accused Ankit Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

None for accused/applicant.

Re-list for appearance of counsel applicant/arguments on 04.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/26.07.2021

Bail Application No.1955/21  
FIR No. 164/21  
P.S. BH Rao  
U/s 419/420//411/201/34 IPC  
State Vs. Fatima Ali

26.07.2021

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 moved for accused Fatima Ali under Section 438 Cr.P.C., for grant of anticipatory bail.**

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

Sh. Saurabh Duggal, Ld. Counsel for applicant through VC.

SHO/Inspector Gurnam Singh, PS Bara Hindu Rao through VC.

Ld. Counsel for accused submitted that as per reply of the IO, investigating agency are on a manhunt for one Suraya. Further, Ld. Counsel for accused, his client is a lady named Fatima.

At this juncture, Inspector Gurnam Singh submits that there is no clarity who is Suraiya and Suraiya may be an alias for

Contd....2

Bail Application No.1955/21  
FIR No. 164/21  
P.S. BH Rao

-2-

Fatima.

Ld. Counsel submits that he would be filing relevant documents before the IO to substantiate his claim today itself at 4 : 00 PM.

Under these circumstances, applicant/accused Fatima Ali is hereby given interim protection from arrest till NDOH subject to the condition that she shall join the investigation today at 4 PM. IO shall file status report in this regard on NDOH.

Put up on 28.07.2021 for consideration.

Copy of order be uploaded on the website.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/26.07.2021**

**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

26.07.2021

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/WSI Madhvi is present through VC.

Ms. Lakshmi Raina, Ld. Counsel for complainant  
from DCW alongwith complainant 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 applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused strenuously submitted that there has been considerable delay in lodging the present FIR. Further, he submitted that 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. Last, 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 into the demands of money by the 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  
Suprem Court on 01.03.2021 and Dr. Sandeep Morya Vs.  
State, Bail Application no. 838/2021 decided by Hon'ble  
High Court of Delhi on 22.03.2021.***

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by Ld. Counsel for the complainant vehemently opposed the anticipatory bail application as per law. It was submitted that medical examination of accused was conducted and potency test of accused is also conducted by the forensic expert. As per potency report, accused was found capable of performing sexual activity. It was submitted that thorough investigation is still required to ascertain the veracity of allegations made by the complainant. Further, FSL report of the contents of the mobile phone are awaited. Lastly, it was submitted that the serious nature of the offence should disentitle the accused from being granted 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 she met accused at medicine factory at Adarsh Nagar, Delhi. She left the job as



accused had started troubling her. When she started working somewhere else accused again reached there and started troubling her. Later, she was convinced for becoming his friend. In 2<sup>nd</sup> week of July, 2020 accused took her at his residence and gave a cold drink to her and made sexual relations without her will and also took indecent photographs of the victim. Thereafter, accused made false promise of marrying her. When victim asked accused to marry her, he refused and threatened her to spread her nude photographs to others. Therefore, on the basis of the complaint, FIR was registered at P.S. Burari.

5. At this juncture, it would be apposite refer to the Judgments relied on by the accused. In ***Sonu @ Subhash Kumar Vs. State of Uttar Pradesh & Ors., Criminal Appeal No. 233/2021 decided by Hon'ble Suprem Court on 01.03.2021*** wherein it was observed as hereunder :

*“On the basis of the rival submissions and with the assistance of the counsel, we have perused the FIR. The FIR specifically records that the second respondent had developed a friendship with the appellant and that he had assured that he would marry her. The FIR then records that the appellant and the second respondent developed a physical relationship which*

spread over a period of one and a half years, during the course of which the second respondent conversed with the parents and sister of the appellant. It has been alleged in the FIR that the parents of the appellant were agreeable to the couple getting married. As a matter of fact, the appellant returned to his home town at Jhansi on 5 January 2018 when he had made a phone call to her stating that she should come and visit him so that they can get married. On travelling to Jhansi at the behest of the appellant, the second respondent was informed by the father of the appellant that the appellant did not wish to marry her. The contents of the statement under [Section 164](#) of CrPC also indicate that the second respondent had “voluntarily developed relationship of husband-wife with him”. The second respondent has then stated that “now, he and his family members are refusing to marry with me”. The second respondent has further stated that “my sole grievance is that Sonu is refusing to marry with me”.  
8 The contents of the FIR as well as the statement under [Section 164](#) of CrPC leave no manner of doubt that, on the basis of the allegations as they stand, three important features emerge:

(i) The relationship between the appellant and the second respondent was of a

*consensual nature;*

*(ii) The parties were in the relationship for about a period of one and a half years; and*

*(iii) Subsequently, the appellant had expressed a disinclination to marry the second respondent which led to the registration of the FIR. 9 In Pramod Suryabhan Pawar (supra), while dealing with a similar situation, the principles of law which must govern a situation like the present were enunciated in the following observations:*

*“Where the promise to marry is false and the intention of the maker at the time of making the promise itself was not to abide by it but to deceive the woman to convince her to engage in sexual relations, there is a “misconception of fact” that vitiates the woman’s “consent”. On the other hand, a breach of a promise cannot be said to be a false promise. To establish a false promise, the maker of the promise should have had no intention of upholding his word at the time of giving it...” 10 Further, the Court has observed:*

*“To summarise the legal position that emerges from the above cases, the “consent” of a woman with respect to [Section 375](#) must involve an active and*

*reasoned deliberation towards the proposed act. To establish whether the “consent” was vitiated by a “misconception of fact” arising out of a promise to marry, two propositions must be established. The promise of marriage must have been a false promise, given in bad faith and with no intention of being adhered to at the time it was given. The false promise itself must be of immediate relevance, or bear a direct nexus to the woman’s decision to engage in the sexual act.” 11 Bearing in mind the tests which have been enunciated in the above decision, we are of the view that even assuming that all the allegations in the FIR are correct for the purposes of considering the application for quashing under [Section 482](#) of CrPC, no offence has been established. There is no allegation to the effect that the promise to marry given to the second respondent was false at the inception. On the contrary, it would appear from the contents of the FIR that there was a subsequent refusal on the part of the appellant to marry the second respondent which gave rise to the registration of the FIR. On these facts, we are of the view that the High Court was in error in declining to entertain the petition under [Section 482](#) of CrPC on the basis that it was only the evidence at trial which would lead to a determination as to*

*whether an offence was established.*

6. Further, it would be imperative to peruse the following extract of the judgment relied upon the judgment by Ld. Counsel for accused/applicant viz ***Dr. Sandeep Morya Vs. State, Bail Application no. 838/2021 decided by Hon'ble High Court of Delhi on 22.03.2021:***

*“9. The material on record shows that though initially the prosecutrix came up with the case wherein she has alleged that the petitioner gave her a drink laced with sedatives and taking advantage of the fact that she was not conscious the petitioner herein raped her. This allegation has been given a go by and the subsequent allegation of the prosecutrix is that sexual relationship was established on the basis of promise to marry. There are contradictions between the initial version and the present version of the prosecutrix. This Court has perused all the records and does not find any promise of marriage. There is no further material which has to be recovered from the petitioner. The sexual relationship was established on the promise of marriage or not is a matter of trial and has to be established during the trial. ”*

7. The above judgments basically allude to the proposition that inducement to have a physical relationship by promising marriage, and the victim falling prey to such inducement may be understandable in the context of the moment. A promise of marriage cannot be held out as an inducement for engaging in sex over a protracted and indefinite period of time.

8. In the present case, a perusal of the record reveals that there is considerable delay in lodging of the complaint. Like in Dr. Sandeep Maurya case (Supra), there is a divergence in the allegations made. Initially, there are allegations of lacing a soft drink with sedatives and committing the offence of rape. Later, the allegations center around having sexual intercourse under the pretext of marriage. Further a perusal of the reply of the IO reveals that the accused Arun Kumar Kashyap has been joining the investigation, and that the mobile phone in question has been handed over to the IO for investigation. A perusal of reply of IO would reveal that no indecent photo or video of the victim was found in the mobile phone. There is no further material which has to be recorded from the accused. To ascertain whether sexual relationship was established on

the promise of marriage or not is now a matter of trial and for that custodial interrogation is not required, at this juncture, as long as the accused is co-operating with the investigation.

9. Accordingly, keeping in mind the facts and circumstances of this case and the fact that the applicant is cooperating with the investigation, this Court deems it fit to grant anticipatory bail to the applicant Arun Kumar Kashyap on the following conditions:-

- i. In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- ii. The applicant is directed not to leave Country without prior permission of the Court.
- iii. The applicant shall join investigation as and when called for.
- iv. The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- v. The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.

vi. 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.

10. 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.

11. 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/26.07.2021**