

**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

22.07.2021

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.

Fresh 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.
Let report of IO be called for 23.07.2021.
Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021**

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

Bail Application No. 1945/21

FIR No. 180/21

U/s 356 IPC

P.S. Bara Hindu Rao

State Vs. Mohd. Azhar

22.07.2021

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.

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

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

Sh. Mohd. Khadim Khan , Ld. Counsel for applicant through VC.

Let report of IO be called for 30.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021**

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

Bail Application No. 1944/21

FIR No. 164/21

U/s 323/354/506 IPC

P.S. Roop Nagar

State Vs. Rajesh Sharma

22.07.2021

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.

Fresh application u/s 438 Cr.P.C. has been filed on behalf of accused Rajesh Sharma for grant of anticipatory bail.

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

Sh. Pulkit Yadav, Ld. Counsel for applicant through VC.

Let report of IO be called for 24.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021**

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

Bail Application No. 1943/21

FIR No. 196/21

U/s 448/380/34 IPC

P.S. Bara Hindu Rao

State Vs. Atul Kapoor

22.07.2021

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.

Fresh application u/s 438 Cr.P.C. has been filed on behalf of accused Atul Kapoor for grant of anticipatory bail.

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

Ms. Seema Gupta, Ld. Counsel for applicant through VC.

Let report of IO be called for 31.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021**

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

Bail Application No. 1942/21

FIR No. 196/21

U/s 448/380/34 IPC

P.S. Bara Hindu Rao

State Vs. Ajay Kapoor

22.07.2021

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.

Fresh application u/s 438 Cr.P.C. has been filed on behalf of accused Atul Kapoor for grant of anticipatory bail.

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

Ms. Seema Gupta, Ld. Counsel for applicant through VC.

Let report of IO be called for 31.07.2021.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021**

**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

22.07.2021

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.

Fresh 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.
Let report of IO be called for 23.07.2021.
Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021

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

Bail Application No. 1940/21

FIR No. 472/21

U/s 379/411 IPC

P.S. Wazirabad

State Vs. Gufran

22.07.2021

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.

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

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

None for applicant through VC.

Let report of IO be called for 31.07.2021.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021

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

Bail Application No. 1909/21
FIR No. 2/2021
U/s 420/468/471/506/120B/34 IPC
P.S. Crime Branch
State Vs. Sandeep Kumar Sood

22.07.2021

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 Sandeep Kumar Sood for grant of interim bail as per HPC Guidelines.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Jitender Sirohi, Ld. Counsel for applicant through VC.
IO/SI Omvir is present through VC.

At the very outset, Ld. Addl. PP for the State has submitted that since the offences mentioned are triable by Magistrate, the applicant should first exhaust his remedy by moving this application before the Court of Ld. CMM/ Ld. MM.

Accordingly, matter be put up before the concerned Ld. CMM / Ld. MM for disposal of the present bail application today at 2 PM.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021

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

Bail Application No. 1867/21
FIR No. 274/21
U/s 392/34 IPC
P.S. Subzi Mandi
State Vs. Akram

22.07.2021

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 Akram for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Akshat Sharma, Ld. Counsel for applicant 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 submitted that applicant is in J/C since 22.05.2021 and has been falsely implicated in the present case. He further submitted that applicant is not named in

the FIR. Applicant is merely an auto driver. He further submitted that applicant cooperated in the investigation and investigation qua the present applicant is complete. Lastly it was submitted that the applicant has no previous involvements, and being a poor person, ought to be released on bail.

3. Per *contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application. Ld. Addl. PP for the State submitted that applicant actively participated in the commission of the offence by lifting the legs of the complainant in the air.
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 on 16.05.2021 at about 5 PM, he was going from Mori Gate Circle towards Pul Mithai. When he reached near shop no. 45, Khanna Market, Delhi, three persons came from behind and one of them choked his throat from behind and other one lifted his legs in the air and third person robbed Rs. 17,200/- from his pockets. All the three persons ran away from the spot in the TSR whereafter the complainant lodged the present case.
5. Adverting to the rival contentions of both sides, a perusal of the record reveals that the applicant Akram Ahmed was instrumental in committing the robbery, and not only did he facilitated the commission of the crime by lifting the legs of the complainant, but

also helped the other assailants escape by riding off in the TSR belonging to one Rakesh, who had given the said TSR on rent to the applicant / accused herein. The allegations against the applicant are grave in nature. Further, as per the IO the co-accused persons are still absconding. Since the IO did not join the VC proceedings, it could not be ascertained whether the investigation has been completed or not.

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/22.07.2021

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

Bail Application No. 1854/21

FIR No. 254/21

U/s 379/356/411/34 IPC

P.S. Subzi Mandi

State Vs. Manish @ Kalu

22.07.2021

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 Manish @ Kalu for grant of regular bail.

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

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

IO/HC Ajay 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 submitted that applicant has been falsely implicated in the present case. Nothing has been

recovered from the possession of applicant. He further submitted that earlier bail application moved on behalf of applicant has been dismissed by Ld. MM Sh. Kapil Kumar on 06.07.2021. He further submitted that applicant is in J/C since 21.06.2021 and is a young boy. He further submitted that applicant is the only bread winner in the family. He further submitted that investigation in the present case has been complete. He further submitted that in other cases applicant is on bail.

3. Per *contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application. Ld. Addl. PP for the State submitted that gold chain had been recovered from the possession of the applicant. He further submitted that applicant had refused to participate in the TIP proceedings, he being a habitual offender, ought not to be granted bail.
4. A perusal of the record reveals that the accused is previously involved in as many as 6 cases, including the present one. It is apparent that the applicant / accused has not mended his recalcitrant ways, lending credence to the apprehensions of the IO that he may commit offences of similar nature, if enlarged on bail.
5. 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.

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/22.07.2021

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

Bail Application No. 1855/21
FIR No. 357/21
U/s 392/34 IPC
P.S. Wazirabad
State Vs. Kunal

22.07.2021

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 Kunal for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. M.P.S. Kasana, Ld. Counsel for applicant through VC.
IO/ASI Sukhpal Singh Ajay 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 submitted that applicant has been falsely implicated in the present case. He further submitted

that applicant has nothing to do with the present case and nothing has been snatched by the applicant from the complainant. He further submitted that an altercation took place between the applicant and the complainant on the issue of parking. He further submitted that when applicant asked him to park the vehicle in the godown, complainant threatened him to teach a lesson and lodged a false case against the applicant. He further submitted that there is a delay of 8 hours in lodging of the FIR. He further submitted that applicant has clean antecedents and investigation qua the applicant has been complete. Further, nothing has been recovered from the possession of the applicant, and he is in J/C since 02.06.2021.

3. Per *contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application. Ld. Addl. PP for the State submitted that a heinous offence of robbery has been committed by the applicant in broad day light. He further submitted that total amount of Rs. 48,190/- has been robbed by the applicant alongwith his associate, whereafter they fled away on the motorcycle. He further submitted that applicant has refused TIP. IO has submitted that motorcycle used in the commission of the offence has been recovered, however, case property is yet to be recovered.
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 on 31.05.2021 at 16:40 hours in Jagatpur Village near Kartar Vatika, the accused and his associates committed robbery of Rs. 40,190/- belonging to the complainant Satish Chander Sharma, after threatening him with dire consequences. The complainant, at the time of commission of the offence was sitting in his vehicle no. DL1L K 1580, and was counting his cash, when the offence was committed. Thereafter, upon the complaint of the complainant, the present FIR came to be registered.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that allegations of threatening the complainant have been levelled. It has also been submitted on record that the accused refused TIP proceedings. Further, according to the IO/ASI Sukhpal Singh, even though the motorcycle which was used in the commission of the offence, has been recovered, however the money robbed is yet to be recovered.
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/22.07.2021

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

Bail Application No. 1865/21
FIR No. 94/21
U/s 452/323/341/427/34 IPC
P.S. Burari
State Vs. Surat Singh

22.07.2021

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 Surat Singh for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Parag Chahal, Ld. Counsel for applicant through VC.
SI Pushpender on behalf of IO/ASI Arvind Kumar 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 complainant herein is a habitual offender and a history sheeter of the area, being involved in a number of cases. It was submitted that it was the

complainant who was the aggressor and caused grievous injuries to the accused herein. It was submitted that all the offences registered against the accused herein are bailable except section 452 IPC, and the case of the accused does not fall under the said section. According to Ld. Counsel for accused, the incident took place in the office premises, and according to Ld. Counsel for accused, an office is not a dwelling house or a place for custody of property, as defined u/s 452 IPC.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application. It has been submitted that this is not a stage of framing of charge and that arguments should not descend into the arena of interpreting the ingredients of house trespass. It was submitted that result of MLC of complainant is still pending and thus anticipatory bail ought not to be granted.

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 Mehboob Khan that on 13.02.2021 at around 2 PM the accused alongwith one Sunil Pandey and two other persons slapped the son of the complainant and also entered the office of the complainant and gave beatings to the complainant and his son with fists and kicks and with the help of chairs, and caused injuries to the eye of the complainant. Thereafter, the FIR was registered.

5. A perusal of the record reveals that the CCTV footage of the incident was obtained by the IO wherein the commission of the incident

has been recorded, and the accused herein alongwith his associates were found to enter the office of the complainant and were found to have given him and his son beatings. The MLC of the injury caused upon the eye of the complainant is awaited. Further, as per the reply of the IO the accused has not been joining investigation and investigation is at nascent stage.

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 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 factum of

the accused not joining or cooperating with the investigation and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

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

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

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/22.07.2021

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

Bail Application No. 1853/21
FIR No. 228/2021
U/s 420/506 IPC
P.S. Burari
State Vs. Vikas Kumar

22.07.2021

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 Vikas Kumar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Amit Kumar, Ld. Counsel for applicant through VC.
IO/SI Pushpender is present through VC.
Sh. Gaurav Chitkara, Ld. Counsel for complainant 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 applicant was forced to issue cheques to the complainant, and thus they were

dishonoured. It was further submitted that the accused is ready and willing to repay the money due to the complainant, and in fact has already returned an amount of Rs. 40,000/-.

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 money was taken from the complainant under the false promise of handing over possession of flat. It was submitted that the possession of the flat was not given to the complainant, rather it was sold to someone else. Ld. Addl. PP for the State submitted that cheating of this nature is rampant in Burari, Delhi, and it would imperative to dismiss the current anticipatory bail application, in order to unearth large scale conspiracy, if any.

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 she was in search of a plot in Burari area, then one of her acquaintance Sh. Darshan introduced her to a builder namely Vikas Kumar who was constructing flats in the area of Burari, Delhi. Complainant visited there and decided to buy an under construction flat which deemed her fit. Thereafter, she met the accused and deal was finalized at a price of Rs. 23,50,000/-. She executed an agreement with the applicant on 18.06.2015 and gave Rs. 3,00,000/- as advance payment and had received a receipt of advance payment and it was decided to pay the remaining amount bit by bit. The builder was supposed to give possession of the flat within 8 months and

till then complainant had paid Rs. 11,80,000/- to the applicant. In February, 2017 complainant discovered that the builder had closed his office. After she reached Burari and found that flat is still not ready. He confronted the applicant who informed that he had sold the flat to one of his known for which the complainant had made payment. She asked him to return the money but applicant neither gave her money nor any document related to the property. After a long time applicant informed her through message that he will return her money on 30.03.2019 but he did not pay the due amount even that day. Thereafter, on 22.07.2019 applicant presented three postdated cheques of total amount of Rs. 3,50,000/-. His father also promised her to pay Rs. 2,00,000/- cash before Diwali but he failed to pay the same and when complainant deposited the cheques they were dishonoured. Whenever she asked him to return the money, applicant threatened to kill her.

5. A perusal of record reveals that in view of the allegations levelled by the complainant, FIR No. 228/21 dated 08.04.2021, U/s 420/506 IPC, P.S. Burari came to be registered against the applicant. As per the IO applicant has not been joining investigation and to enable effective investigation, NBWs were also issued qua the applicant / accused. The investigation is underway. This Court is of the opinion that custodial interrogation may be required in order to collect documentary and other evidences.

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 anticipatory bail at this juncture. Accordingly, the present anticipatory 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 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/22.07.2021

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

Bail Application No. 2672
FIR No. 103/2021
U/s 376/328/506 IPC
P.S. Wazirabad
State Vs. Vinay Prabha

22.07.2021

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 Vinay Prabha for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Girish Chander, Ld. Counsel for applicant through VC.
Sh. Rakesh Kaushik, Ld. Counsel for complainant alongwith
complainant through VC.
IO/WSI Ranjana is present 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 submitted that complainant is the wife of co-accused Aman Talwar, and thus the question of rape does

not arise. It was submitted that the factum of marriage of the co-accused Aman Talwar with the complainant has been avowed by the complainant in her statement made u/s 164 Cr.P.C. Further, this fact has been verified by the IO, as has been averred in her reply. Further, according to Ld. Counsel for accused, there are evidences of money transactions i.e. deposit of money by the co-accused Aman Talwar in the bank account of the complainant. Thus, Ld. Counsel has contended that the co-accused Aman Talwar has been providing sustenance to the complainant as she is his wife. It was further submitted by Ld. Counsel for applicant that a habeas corpus writ petition i.e. HABC No. 2/21 was filed by the co-accused Aman Talwar in February, 2021 in the Hon'ble High Court of Uttarakhand seeking custody of his child. According to Ld. Counsel for applicant, the present FIR is a counter blast to the above said writ petition. Lastly, it has been submitted that the complainant herein is a mature lady, aged 42 years, and has filed the present case against the accused only when she was confronted by the co-accused Aman Talwar with extra marital allegations. It was submitted by Ld. Counsel for applicant that the allegations of rape are not made out against the applicant / accused Vinay Prabha.

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 the complainant was around 29 years of age at the time when the relationship started. Further, it was submitted that there is no proof that complainant had

agreed to terminate the pregnancy and thus charges of miscarriage were levelled against the accused. It was submitted that investigation is yet to be carried out. During the course of arguments Ld. Counsel for complainant had vociferously contended that the marriage registration of the complainant and co-accused Aman Talwar is fake, as it was based on a fake marriage card. It was further contended that in the writ petition before Hon'ble Uttrakhand High Court the complainant had not admitted to the factum of marriage with co-accused Aman Talwar, rather she had stated that they were in a live-in relationship. It was submitted that accused Vinay Prabha alongwith her son administered medicine which caused the miscarriage and thus she ought not to be granted bail.

4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant, that she came in contact with co-accused Aman Talwar in 2008 while she was travelling to Dehradoon where they exchanged mobile numbers. When she was living with her aunt in 2010, co-accused Aman Talwar was living with his uncle in Gurgaon. He came to her house in Burari and administered her some intoxicant mixed with cold drink and raped her despite her resistance. When she cried co-accused Aman Talwar told her that he love her and wish to marry her after her divorce gets finalized with her husband. Then on the pretext of marriage she was subjected to sexual assault on multiple occasions. Then he took complainant to met his

mother applicant/accused Vinay Prabha to Manglaur, Haridwar and asked her to stay with him. Applicant/accused Vinay Prabha also promised her that she will get them married. Due to the sexual assault she got pregnant and gave birth to a son in October, 2010. In 2017 she again got pregnant but they (co-accused and applicant herein) did not want the child and forcefully administered some medicine upon her and she suffered miscarriage. She has further alleged that co-accused Aman Talwar also used to speak derogative words about her religion and also used to misbehave with their son under the influence of alcohol. Then co-accused Aman Talwar brought her to Delhi on 23.12.2020 and from then he has been threatening and abusing her. On the basis of the complaint FIR was registered at P.S. Wazirabad.

5. The contention of Ld. Counsel for complainant, that the co-accused Aman Talwar and complainant were in the live-in relationship and thus accused ought to be held liable in a case of sexual intercourse on the pretext of marriage, cannot be countenanced. With respect to live-in relationships, it was observed by the Hon'ble High Court in **Alok Kumar Vs. State & Anr., Crl. M.C. No. 299/2009** as thus:-

“9. In the present case, motive of the complainant is writ large in her two complaints. She had entered into live-in relationship knowing fully well that the petitioner was not even divorced at that time. She being an educated lady, already once married, was not a naive as not to know the reality of live-in relationship. It cannot be thought that she was not aware that live-in relationship was not a marriage but it was a relationship of

convenience where two parties decide to enjoy company of each other at will and may leave each other at will. However, despite entering into 'live-in relationship' with the petitioner, she could not tolerate that petitioner should marry someone else and when the petitioner was about to leave India with his fiancée and was at the airport, she went to the airport with the sole motive, which is clear from the sequence of events, to prevent petitioner from flying out from India and to teach him a lesson....."

6. At this juncture, it would be apposite to peruse the following extracts of *Shivashankar @ Shiva Vs. State of Karnataka, CA No. 504 of 2018 decided by Hon'ble Supreme Court of India on 06.04.2018:*

"In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as 'rape' especially in the face of the complainant's own allegation that they lived together as man and wife."

7. There are a catena of judgments which 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. A perusal of the record prima facie reveals that complainant and the co-accused Aman Talwar had married on 15.01.2020 as per Hindu Customs at Jagadri, Haryana. This fact was verified by the IO, pursuant to service of notice u/s 91 Cr.P.C. to the office of Sub-Registrar, Roorkee, Uttarakhand, according to which marriage certificate dated 07.09.2015 of the prosecutrix and co-accused Aman Talwar was found to be genuine. This fact of marriage was substantiated by the complainant herself in her statement given to the doctor during preparation of MLC, and also while recording her statement u/s 164 Cr.P.C. before the Ld. MM. A perusal of the record further reveals that there were many monetary transactions between both complainant and the co-accused Aman Talwar. The allegations of rape cannot be substantiated against the applicant Vinay Prabha, she herself being a woman. It is also pertinent to note that there is considerable delay in lodging of the complaint. Further a perusal of the reply of the IO reveals that the co-accused Aman Talwar has been joining 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 Vinay Prabha 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. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- ii. The applicant is directed not to leave NCT of Delhi 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 her mobile numbers to the Investigating Officer and keep them operational at all times.
 - v. The applicant shall give her address to the IO and if she changes the address she 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/22.07.2021

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

Bail Application No. 2673
FIR No. 103/2021
U/s 376/328/506 IPC
P.S. Wazirabad
State Vs. Aman Talwar

22.07.2021

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 Aman Talwar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Girish Chander, Ld. Counsel for applicant through VC.
Sh. Rakesh Kaushik, Ld. Counsel for complainant alongwith
complainant through VC.
IO/WSI Ranjana is present 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 submitted that complainant is the wife of applicant Aman Talwar, and thus the question of rape does

not arise. It was submitted that the factum of marriage of the applicant with the complainant has been avowed by the complainant in her statement made u/s 164 Cr.P.C. Further, this fact has been verified by the IO, as has been averred in her reply. Further, according to Ld. Counsel for accused, there are evidences of money transactions i.e. deposit of money by the accused in the bank account of the complainant. Thus, Ld. Counsel has contended that the accused Aman Talwar has been providing sustenance to the complainant as she is his wife. It was further submitted by Ld. Counsel for applicant that a habeas corpus writ petition i.e. HABC No. 2/21 was filed by the applicant Aman Talwar in February, 2021 in the Hon'ble High Court of Utrakhnad seeking custody of his child. According to Ld. Counsel for applicant, the present FIR is a counter blast to the above said writ petition. Lastly, it has been submitted that the complainant herein is a mature lady, aged 42 years, and has filed the present case against the accused only when she was confronted by the accused with extra marital allegations.

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 the complainant was around 29 years of age at the time when the relationship started. Further, it was submitted that there is no proof that complainant had agreed to terminate the pregnancy and thus charges of miscarriage were levelled against the accused. It was submitted that investigation is yet to be carried out. During the course of arguments Ld. Counsel for

complainant had vociferously contended that the marriage registration of the complainant and accused Aman Talwar is fake, as it was based on a fake marriage card. It was further contended that in the writ petition before Hon'ble Uttarakhand High Court the complainant had not admitted to the factum of marriage with accused Aman Talwar, rather she had stated that they were in a live-in relationship.

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 came in contact with accused in 2008 while she was travelling to Dehradun where they exchanged mobile numbers. When she was living with her aunt in 2010, applicant was living with his uncle in Gurgaon. He came to her house in Burari and administered her some intoxicant mixed with cold drink and raped her despite her resistance. When she cried applicant told her that he love her and wish to marry her after her divorce gets finalized with her husband. Then on the pretext of marriage she was subjected to sexual assault on multiple occasions. Then he took complainant to met his mother co-accused Vinay Prabha to Manglaur, Haridwar and asked her to stay with him. His mother also promised her that she will get them married. Due to the sexual assault she got pregnant and gave birth to a son in October, 2010. In 2017 she again got pregnant but they did not want the child and forcefully administered some medicine upon her and she suffered miscarriage. She has further alleged that applicant also used to speak derogatively about her religion

and also used to misbehave with their son under the influence of alcohol. Then applicant brought her to Delhi on 23.12.2020 and from then he has been threatening and abusing her. On the basis of the complaint FIR was registered at P.S. Wazirabad.

5. The contention of Ld. Counsel for complainant, that the accused Aman Talwar and complainant were in the live-in relationship and thus accused ought to be held liable in a case of sexual intercourse on the pretext of marriage, cannot be countenanced. With respect to live-in relationships, it was observed by the Hon'ble Delhi High Court in Alok Kumar Vs. State & Anr., CrI. M.C. No. 299/2009 as thus:-

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“In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as ‘rape’ especially in the face of the complainant’s own allegation that they lived together as man and wife.”

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8. A perusal of the record prima facie reveals that complainant and the accused Aman Talwar had married on 15.01.2020 as per Hindu Customs at Jagadri, Haryana. This fact was verified by the IO, pursuant to service of notice u/s 91 Cr.P.C. to the office of Sub-Registrar, Roorkee, Uttrakhand, according to which marriage certificate dated 07.09.2015 of the prosecutrix and accused Aman Talwar was found to be genuine. This fact of marriage was substantiated by the complainant herself in her statement given to the doctor during preparation of MLC, and also while

recording her statement u/s 164 Cr.P.C. before the Ld. MM. A perusal of the record further reveals that there were many monetary transactions between both complainant and the accused Aman Talwar. It is also pertinent to note that there is considerable delay in lodging of the complaint. Further a perusal of the reply of the IO reveals that the accused Aman Talwar has been joining 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 Aman Talwar 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. 10,000/- with one surety of the like amount to the satisfaction of the SHO/IO.
- ii. The applicant is directed not to leave NCT of Delhi 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
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