

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

Bail Application No. 2084/21

FIR No. 205/21

U/s 308/323/506 IPC

P.S. Wazirabad

State Vs. Rajesh

09.08.2021

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 for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. P.N. Mishra, Ld. Counsel for applicant through VC.

Ld. Counsel for applicant submitted that applicant is a senior citizen.

Let report of IO be called for 13.08.2021

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 2083/21

FIR No. 431/2021

U/s 420 IPC

P.S. Subzi Mandi

State Vs. Yogesh Tiwari

09.08.2021

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 Yogesh Tiwari for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Anil Kumar Mishra Ld. Counsel for applicant through VC.  
Sh. Pradeep Sheoranf, Ld. Counsel for complainant through VC.

Let report of IO be called for 11.08.2021.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Misc No. 343/2021  
FIR No. 566/2018  
U/s 420/120B/34 IPC  
P.S. Burari  
State Vs. Dheeraj Tyagi

09.08.2021

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 for filing the additional documents has been filed.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Hansraj Singh, Ld. Counsel for applicant through VC.

This is a miscellaneous application for filing additional documents. Bail application of the present applicant is listed for 10.08.2021

Accordingly listed with the main application on 10.08.2021.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 2046/21

FIR No. 745/15

U/s 380/451/34 IPC

P.S. Roop Nagar

State Vs. Roshan Singh

09.08.2021

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 has been filed on behalf of accused Roshan Singh for grant of interim bail under HPC guidelines.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

None for the applicant.

Another application of the applicant is pending for 12.08.2021.

Accordingly put up on 12.08.2021 for consideration.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 2055/21  
FIR No. 121/21  
U/s 307/34 IPC & 27/54/59 Arms Act  
P.S. Civil Lines  
State Vs. Dushat @ Kaku

09.08.2021

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 Dushat @ Kaku for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
None for the applicant.  
IO/SI Deepak Kumar present through VC.  
Put up for with connected case on 10.08.2021.  
Order be uploaded on the website of Delhi District Courts.

(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.08.2021

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

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

09.08.2021

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 Fatima Ali for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Rajesh Dua, Ld. Counsel for applicant through VC.  
SI Pawan present through VC on behalf of IO.  
Report of IO received.

The report of the IO has been perused, as per which it has been clarified that the applicant Fatima Ali is the mother of accused Suraiya. Thus, since there is no apprehension of arrest as role of the applicant has not been ascertained, the present anticipatory bail application is dismissed being infructuous.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 2049/21  
FIR No. 17/2020  
U/s 498A/406/506/376/323/34 IPC  
P.S. Civil Lines  
State Vs. Niyaz Mohd.

09.08.2021

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 Niyaz Mohd. for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. S. Ahmed, Ld. Counsel for applicant through VC.

IO/WSI Gurdeep Kaur Pawan present through VC.

Report of IO received.

Let TCR be requisitioned for 11.08.2021.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 1918/21

FIR No. 567/16

U/s 420/468/471 IPC R/w Sec. 14 of Foreigners Act.

P.S. Burari

State Vs. Obeifoka Friday Okeke @ Obiora Tony Okeke

09.08.2021

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.

**File has been received vide order dated 09.08.2021 passed by Ld. Principal District & Sessions Judge (HQs).**

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

**It is 3 PM**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Anoop Kumar Gupta, Ld. Counsel for applicant through VC.

Put up on 11.08.2021 for consideration.

Order be uploaded on the website of Delhi District Courts.

**(Arul Varma)  
ASJ/Special Judge, Electricity  
Court No. 02, Central  
Tis Hazari/Delhi/09.08.2021**



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

Bail Application No. 1375/21

FIR No. 176/21

U/s 323/341/354/34 IPC

P.S. Roop Nagar

State Vs. Gautam @ Pankaj

09.08.2021

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 Gautam @ Pankaj for grant of anticipatory bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Arun Kasana, Ld. Counsel for applicant through VC.  
IO/WSI Shashi present through VC.  
Report of IO received.

**ORDER ON ANTICIPATORY BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused has submitted that the present matter is primarily a dispute between the neighbours which has been given a criminal hue. It was submitted by Ld. Counsel for applicant that there are several discrepancies between the

contents of first information report and the statement given by the complainant whilst recording statement u/s 164 Cr.P.C. It was contended that a perusal of the MLC would reveal that injuries do not corroborate with the statement given by the complainant.

3. *Per contra*, Ld Addl. PP for the State alongwith IO vehemently opposed the present anticipatory bail application as per law. It was submitted that there are serious allegations of molestation have been levelled. It was conceded by the IO that custodial interrogation is required only for recovering the weapon of offence.
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 the day of incident i.e. 26.04.2021 around 9 PM, applicant and his wife Priya came to her house and both started abusing her. Complainant further stated that Priya dragged her down and started beating her, in the meanwhile her mother-in-law came to rescue her. Thereafter, Priya alongwith her husband Gautam the applicant herein came to her room and applicant molested her and Priya hit her head by brick. Applicant beaten her with a stick due to which complainant sustained injuries on her head. She got treated from Aggarwal Dharmarth Hospital vide MLC No. 155/21 where doctor opined L/E CLW in left temporal region and the nature of the injury is opined to be simple. Thus the present FIR

come to be registered.

5. During the course of arguments inconsistencies between the contents of FIR and statement u/s 164 Cr.P.C. of the complainant were brought out. In the FIR it was mentioned that both the accused persons came together, whereas in the statement recorded u/s 164 Cr.P.C. it was mentioned that only Priya came first and committed the offence. Further, in the FIR it was mentioned that applicant Gautam hit the complainant with the danda, however in the statement recorded u/s 164 Cr.P.C. this fact is missing. Lastly in the FIR it was averred by the complainant that she became unconscious during the commission of the offence, however this fact too has not been mentioned by her at the time of recording her statement u/s 164 Cr.P.C. Further, the complainant had averred that she was hit with the brick 7 to 8 times, however a perusal of MLC prima facie does not corroborate this fact.

6. During the course of arguments, Ld. Counsel for applicant strenuously canvassed that applicant is ready and willing to join the investigation. In this context, 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, keeping in view the fact that there are inconsistencies between the contents of the FIR and statement of complainant recorded u/s 164 Cr.P.C. and the fact that applicant is ready and willing to join the investigation, no purpose would be served in incarcerating the accused at this juncture. Under these circumstances, this court is of the opinion that the accused Gautam @ Pankaj be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the applicant 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. 20,000/- 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.
  - d) The applicant is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
  - e) The applicant shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
  - f) The applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the applicant is trying to contact him / her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.
8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 2082/21

FIR No. 125/21

U/s 392/395/397/342/411/120B/34 IPC & 25/27 Arms Act

P.S. Crime Branch

State Vs. Raju Shah

09.08.2021

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 Raju Shah for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. R.S. Prasad, Ld. Counsel for applicant through VC.

IO/SI Santosh Kumar is present through VC.

Reply of IO has been received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused contended that applicant has been falsely implicated in the present case. According to Ld.

Counsel for applicant, concocted story has been putforth by the police, and the applicant has been languishing unnecessarily in judicial custody since 10.07.2021. It was submitted that apart from the complainant herein no other person has given a complaint regarding the commission of such an offence by the applicant and his cohorts. It was submitted that there are no previous involvement of the applicant and applicant is ready to give sound surety and will abide by the conditions of bail, if granted.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application as per law. It was submitted that apart from the complainant herein, information has been received from another complainant who is present in Murshidabad. It was submitted by the IO that 900 Riyal were recovered from the applicant herein. It also submitted by the IO that applicant has been identified by the complainant.
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 09.07.2021, complainant alongwith four of his mates for the first time came back to India to visit his hometown in West Bengal. Flight landed at IGI Airport, from where they reached New Delhi Railway Station. On the intervening night of 09/10.07.2021 at New Delhi Railway Station they were approached by an

individual, who informed that to travel by train they require a COVID-19 report, to which the complainant mentioned that they already have it from IGI Airport. On this the said individual said that the report provided by the IGI Airport is not valid to travel from train and they will require a fresh COVID-19 report in this regard. Accordingly, the complainant and his mates were asked to accompany him on the pretext of arranging COVID-19 reports and train travel tickets. The complainant alongwith his mates were taken to an office located at Paharganj, Delhi, where they were informed that their respective reports will be ready by tomorrow morning. It was further informed that their train to Kolkata will depart at 12:30 noon and hence, they can collect their reports by 11:30 AM from this office. Night accommodation at a hotel in Paharganj area was also arranged by the said person for the complainant & his mates. On 10.07.2021 at 12 noon, complainant alongwith his mates reached the said office, where they found six persons sitting in the office. At the office itself, they were shown their COVID-19 reports and asked to pay 897 Saudi Riyal against which amount they will be handed over their respective COVID-19 reports. When the complainant refused to pay the said amount, out of the six persons sitting in the office, one has taken out country made pistol and another person took out the knife, both the weapons were pointing at them. Rest of the four individuals sieged the complainant & his four mates, made them hostages on



gunpoint & knife tip and then beat the complainant & his four mates. These four individuals frisked the complainant & his four mates and robbed them of their cash (3500 Saudi Riyal & INR 17,970) alongwith other valuables including wrist watches, mobile phones etc. The complainant & his mates were then threatened of dire consequences & snatching of their passports, if any of them has / had ever reported the matter to police authorities. Three coolies were then called by the alleged persons just 10-15 minutes prior to departure of complainant's train to Kolkata. The complainant alongwith his four mates were then taken to New Delhi Railway Station just prior to departure of their train to Kolkata. All five of the aggrieved were then made to board the train. In the meantime, team of Special Investigation Unit – I, Crime Branch, reached the station, get the complainant & his four mates deboarded the train. All the aggrieved were then accompanied to the office where they were taken by the alleged persons at Paharganj, Delhi. After reaching the office being run by alleged persons in the name & style of New RTDC, from Shop No. 125, Amritpur Market, Opposite New Delhi Railway Station, Paharganj, New Delhi at the instance of complainant / other aggrieved, four individuals by the name of Vijay Bhan Pandey, Deepak, Sanjeev Kumar and Harish Singh were apprehended and 120 Riyal and 40200 INR (as some Riyal were got exchanged by them in INR) were recovered from them. One Country made Pistol

with 2 live cartridges and one Dragger (knife) were also recovered from their possession. Accordingly, the present case.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that grave allegations of committing dacoity by using deadly weapon have been levelled against the applicant and his associates. There are allegations that by adopting the same *modus operandi* the applicant and his associates have committed such offences against various unsuspecting travellers. The knife alleged to have been used at the time of commission of the offence has been recovered from the possession of the co-accused Deepak. Further, the robbed articles of the complainants including flash lights, wrist watches and money and other belongings have also been recovered from the possession, and at the instance of the accused persons. 900 Saudi Riyals have been recovered from the possession of the applicant. Further, it was also averred by the IO that all the five victims have identified the applicant/accused Raju Shah as the person who, alongwith his associates, had robbed them of their money and other belongings. The investigation is still under way.
6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby

dismissed.

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

**(Arul Varma)**  
**ASJ/Special Judge, Electricity**  
**Court No. 02, Central**  
**Tis Hazari/Delhi/09.08.2021**

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

Bail Application No. 1267/21  
FIR No. 463/2020  
U/s 307/34 IPC & 25/27 Arms Act  
P.S. Timarpur  
State Vs. Sumit @ Kalu

09.08.2021

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 Sumit @ Kalu for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.  
Sh. Sarvesh Chaudhary, Ld. Counsel for applicant through VC.  
IO/SI Ashok Kumar is present through VC.  
Reply of IO has been received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that applicant is in

J/C since 01.12.2020 and a significant period of time has elapsed since his incarceration. Ld. Counsel further submitted that charge sheet has already been filed. According to Ld. Counsel for applicant, prosecution has failed to establish previous enmity between the injured and the applicant. It was further submitted that complainant is criminal himself and is currently in judicial custody. Ld. Counsel for applicant has placed reliance on *Bhagirath Singh Vs. The State of Gujarat, 1984 C.C. Cases 17 (SC)*.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application as per law. It was submitted that applicant is a habitual offender and a known BC (bad character) of the area. It was submitted applicant has a history of previous involvements. It was further submitted that applicant committed the present offence despite being on interim bail granted due to Covid-19.
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 that a PCR call vide DD No. 90A was received at P.S. Timarpur, Delhi in the night of 29.12.2020. On receiving the PCR call, SI Manoj alongwith staff rushed to the spot i.e. Nand Lal Jhuggi, Gopalpur, Timarpur, Delhi and found that the injured was already shifted to Aruna Asaf Ali Hospital. HC Jai Singh was deputed to preserve the spot and SI

Manoj reached the Aruna Asaf Ali Hospital where injured Dilshad was found under treatment and the exhibits of injured were taken into possession through seizure memo. Thereafter, statement of injured was recorded who stated that Sumit @ Kalu applicant herein alongwith Rahul @ Juddi and Bauwa shot at him while he was going towards his aunt's jhuggi due to previous enmity. The accused persons fled away from the spot. The injured was taken to the hospital after his shift was changed as it as soaked in blood. Thereafter, crime team inspected the spot and one blood stained shirt of injured was seized at the instance of mother of the injured from his house. No empty cartridge was recovered from the spot. During the course of investigation, the accused Rahul @ Juddi and Sumit @ Kalu were arrested and one Dessi Katta alongwith two live cartridges were recovered from the possession of the applicant who disclosed to have shot at the injured Dilshad with the said katta and fled from the spot. The recovered Dessi Katta and two live cartridges have been seized and taken into possession through seizure memo. Applicant has been identified by the complainant at the spot. Thus, the present FIR came to be registered.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that, as per the SCRB applicant is involved in as many as 9 cases, thus lending credence to the assertion of the prosecution of him being a habitual offender. It was also brought to the fore that applicant committed the offence while he was

liberated after being granted interim bail. Prima facie it is apparent that the applicant has misused his liberty.

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 and the fact that applicant has committed the offence while being on interim bail, which shows that applicant has not mended his recalcitrant ways, 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/09.08.2021**

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

Bail Application No. 2020/21

FIR No. 125/21

U/s 392/395/397/342/411/120B/34 IPC & 25/27 Arms Act

P.S. Crime Branch

State Vs. Sunder

09.08.2021

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 Sunder for grant of regular bail.**

Present: Ms. Shweta Verma, Ld. Addl. PP for State through VC.

Sh. Tanseer Ahmed, Ld. Counsel for applicant through VC.

IO/SI Santosh Kumar is present through VC.

Reply of IO has been received.

**ORDER ON BAIL APPLICATION**

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused contended that applicant has been falsely implicated in the present case. According to Ld.



Counsel for applicant, concocted story has been putforth by the police, and the applicant has been languishing unnecessarily in judicial custody since 10.07.2021. It was submitted that apart from the complainant herein no other person has given a complaint regarding the commission of such an offence by the applicant and his cohorts. It was submitted that there are no previous involvement of the applicant and applicant is ready to give sound surety and will abide by the conditions of bail, if granted.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the bail application as per law. It was submitted that apart from the complainant herein, information has been received from another complainant who is present in Murshidabad. It was submitted by the IO that 2000 Riyal were recovered from the applicant herein.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that on 09.07.2021, complainant alongwith four of his mates for the first time came back to India to visit his hometown in West Bengal. Flight landed at IGI Airport, from where they reached New Delhi Railway Station. On the intervening night of 09/10.07.2021 at New Delhi Railway Station they were approached by an individual, who informed that to travel by train they require a

COVID-19 report, to which the complainant mentioned that they already have it from IGI Airport. On this the said individual said that the report provided by the IGI Airport is not valid to travel from train and they will require a fresh COVID-19 report in this regard. Accordingly, the complainant and his mates were asked to accompany him on the pretext of arranging COVID-19 reports and train travel tickets. The complainant alongwith his mates were taken to an office located at Paharganj, Delhi, where they were informed that their respective reports will be ready by tomorrow morning. It was further informed that their train to Kolkata will depart at 12:30 noon and hence, they can collect their reports by 11:30 AM from this office. Night accommodation at a hotel in Paharganj area was also arranged by the said person for the complainant & his mates. On 10.07.2021 at 12 noon, complainant alongwith his mates reached the said office, where they found six persons sitting in the office. At the office itself, they were shown their COVID-19 reports and asked to pay 897 Saudi Riyal against which amount they will be handed over their respective COVID-19 reports. When the complainant refused to pay the said amount, out of the six persons sitting in the office, one has taken out country made pistol and another person took out the knife, both the weapons were pointing at them. Rest of the four individuals sieged the complainant & his four mates, made them hostages on gunpoint & knife tip and then beat the complainant & his four

mates. These four individuals frisked the complainant & his four mates and robbed them of their cash (3500 Saudi Riyal & INR 17,970) alongwith other valuables including wrist watches, mobile phones etc. The complainant & his mates were then threatened of dire consequences & snatching of their passports, if any of them has / had ever reported the matter to police authorities. Three coolies were then called by the alleged persons just 10-15 minutes prior to departure of complainant's train to Kolkata. The complainant alongwith his four mates were then taken to New Delhi Railway Station just prior to departure of their train to Kolkata. All five of the aggrieved were then made to board the train. In the meantime, team of Special Investigation Unit – I, Crime Branch, reached the station, get the complainant & his four mates deboarded the train. All the aggrieved were then accompanied to the office where they were taken by the alleged persons at Paharganj, Delhi. After reaching the office being run by alleged persons in the name & style of New RTDC, from Shop No. 125, Amritpur Market, Opposite New Delhi Railway Station, Paharganj, New Delhi at the instance of complainant / other aggrieved, four individuals by the name of Vijay Bhan Pandey, Deepak, Sanjeev Kumar and Harish Singh were apprehended and 120 Riyal and 40200 INR (as some Riyal were got exchanged by them in INR) were recovered from them. One Country made Pistol with 2 live cartridges and one Dragger (knife) were also recovered

from their possession. Accordingly, the present case.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that grave allegations of committing dacoity by using deadly weapon have been levelled against the applicant and his associates. There are allegations that by adopting the same *modus operandi* the applicant and his associates have committed such offences against various unsuspecting travellers. The knife alleged to have been used at the time of commission of the offence has been recovered from the possession of the co-accused Deepak. Further, the robbed articles of the complainants including flash lights, wrist watches and money and other belongings have also been recovered from the possession, and at the instance of the accused persons. 2000 Saudi Riyals have been recovered from the possession of the applicant. Further, it was also averred by the IO that all the five victims have identified the applicant/accused as the person who, alongwith his associates, had robbed them of their money and other belongings.
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**  
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