

CNR No.DLCT01-000127-2014
SC No.98/2021
FIR No.303/2014
PS Subzi Mandi
U/s 302/307/149/120-B IPC & 27 Arms Act
State Vs. Sunil @ Kalu & Ors.

17/07/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Mukesh @ Bhola for grant of interim bail for the period of six weeks.

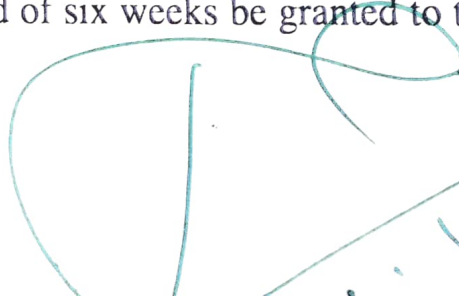
(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Ghanshyam Kaushik, Ld. Counsel for the accused Mukesh @ Bhola (through V.C.).

Arguments have already been heard on the aforesaid interim bail application of the accused Mukesh @ Bhola. Perused the material available on record.

By way of present order, this Court shall disposed of interim bail application of the accused Mukesh @ Bhola.

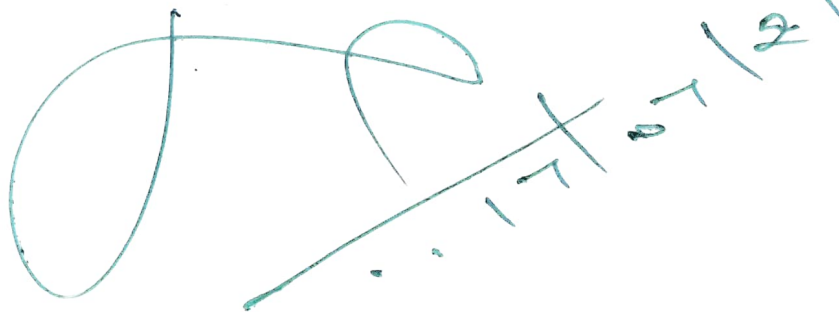
During the course of arguments, it was submitted by counsel for the accused Mukesh @ Bhola that the accused has been falsely implicated in the present case. It was further submitted that the accused has filed the present interim bail application on the medical ground of his wife. It was further submitted that the wife of the accused is suffering from acute breathlessness, palpitation with fever and burning micturition and she is also having low haemoglobin and concerned doctor has advised for blood transfusion and wife of the accused requires immediate admission in the hospital. It was further submitted that there is no male member in the family to look after wife of the accused and interim bail for the period of six weeks be granted to the accused to look


17/07/21

after his wife and for arranging the funds for treatment of his wife. It was further submitted that accused is in J/C for the period more than six years. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and he can abscond, if the interim bail is granted to him. It was further submitted that accused Mukesh @ Bhola is habitual offender and he is previously involved in twelve other criminal cases of different nature and the present interim bail application of the accused be dismissed.

By way of the present interim bail application, the accused Mukesh @ Bhola has prayed for interim bail for the period of six weeks to look after his wife and for arranging the funds for her treatment. As per report of Inspector Rajesh Kumar, the wife of the accused is residing with her mother-in-law, who can look after the wife of the accused. In the present case, charge for the offences u/s. 302/307/149 IPC was framed against the accused Mukesh @ Bhola. The present case is at the stage of prosecution evidence. As per reply/ report, the accused is stated to be habitual offender and he is stated to be involved in twelve other criminal cases of different nature also. Keeping in view the facts, circumstances of the case, gravity of offences, nature of serious allegations levelled against the accused and stage of trial, this court is not inclined to grant the interim bail to the accused Mukesh @ Bhola as prayed in the present interim bail application. ***However, accused Mukesh @ Bhola is hereby granted custody parole for 20/07/2021 for six hours from 10:00 AM to 4:00 PM, excluding the traveling time, at the cost to be incurred by the accused Mukesh @ Bhola. During the aforesaid custody parole period Covid-19 protocol/guidelines issued by Central***

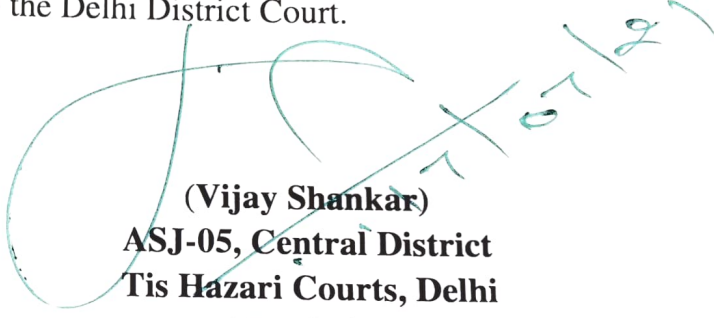

20/07/2021

Government/State Government/Competent Authorities be followed. Concerned Jail Superintendent is directed to make necessary arrangement for the same.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information and compliance. SHO of the concerned Area be also informed accordingly.

Counsel for the accused is at liberty to collect the copy of this order through electronic mode.

Order be uploaded on website to the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

State Vs. Rohit Mundra
FIR No.140/2018
PS Sarai Rohilla
U/s 307/34 IPC & 25/27 Arms Act

17/07/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Rohit Mundra for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Vikas Bhatia, Ld. Counsel for the accused Rohit Mundra (through V.C.).

Issue notice of the aforesaid bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Issue notice to the IO to appear and SHO/ IO is directed to file reply to the aforesaid bail application of the accused including the report regarding previous involvement of the accused, for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 23/07/2021. Date of 23/07/2021 is given at specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.

Present

Vijay Shankar

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

SC No.56/2021
FIR No.116/2019
PS Prasad Nagar
U/s 302 IPC & 25/27 Arms Act
State Vs. Kamal Chauhan

17/07/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Kamal Chauhan for grant of interim bail for the period of 90 days as per H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

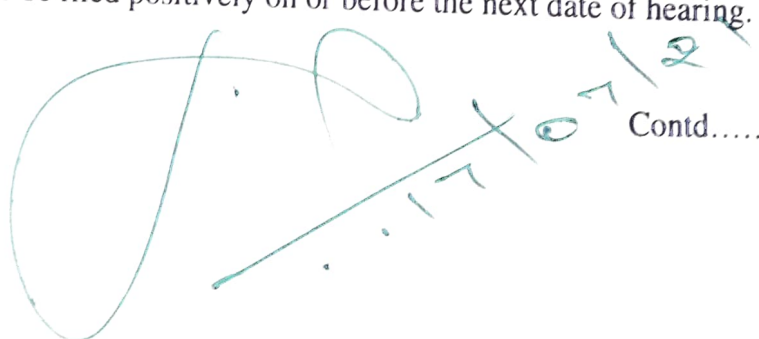
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Vineet Jain, Ld. Counsel for the accused Kamal Chauhan (through V.C.).
Mr. Tanzeem Hussain, Ld. Counsel for the accused Kamal Chauhan (through V.C.).
None has joined the proceedings through V.C. on behalf of the complainant.

It is submitted by Mr. Tanzeem Hussain, Advocate that he has been recently appointed as counsel for the accused in the present case and he has sent his vakalatnama to the E-mail of this Court.

Sh. Vineet Jain, Advocate seeks time for taking appropriate instructions from his client.

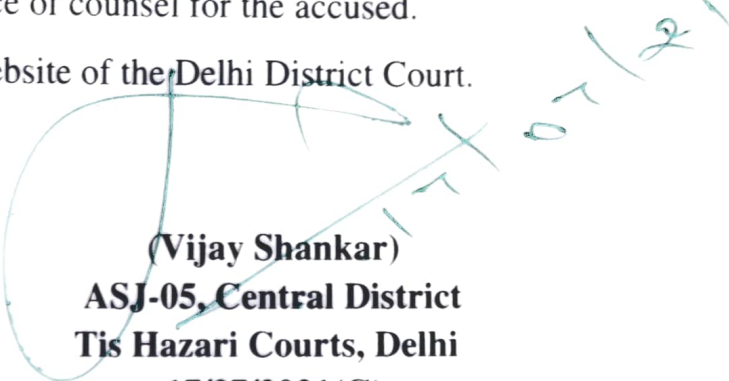
In the interest of justice, I am not passing any adverse order on account of non-appearance of counsel for the complainant.

Case laws stated to be not filed by the Addl. P.P. for the State and counsel for the complainant. Same be filed positively on or before the next date of hearing.


Contd...../2-

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ re-arguments on 22/07/2021. Date of 22/07/2021 is given at specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

FIR No.27/2014

PS Jama Masjid

U/s 364-A/368/395/397/412/34 IPC & 25/27 Arms Act

State Vs. Shahzada Irfan @ Lala

17/07/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Shahzada Irfan @ Lala for grant of interim bail for the period of 90 days as per the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
IO has not joined the proceedings through V.C.
Sh. Arun Sharma, Ld. Counsel for the accused Shahzada Irfan @ Lala (through V.C.).

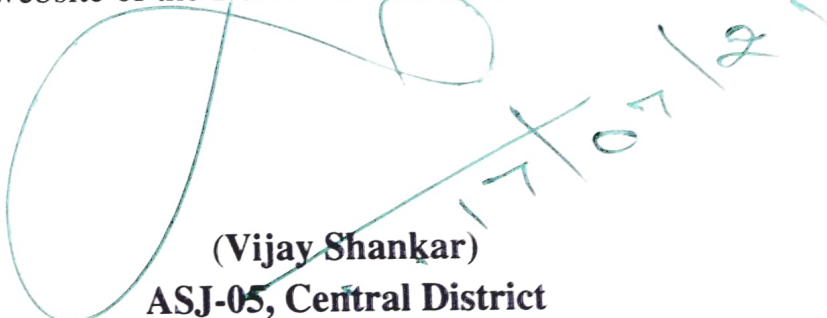
Report received from the concerned Jail Superintendent.

It is submitted by counsel for the accused that copy of report filed by the concerned Jail Superintendent be supplied to him. Heard. Request is allowed. Copy of the same be supplied.

Counsel for the accused seeks time for clarifications.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for clarifications/ consideration on 24/07/2021. Date of 24/07/2021 is given at specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

CNR No.DLCT01-004029-2015

SC No.102/2021

FIR No.48/2015

PS Nabi Karim

U/s 186/353/333/307/201/34 IPC &n 25/27 Arms Act

State Vs. Ajay @ Nathu & Ors.

17/07/2021

File taken up today on the 4th bail application u/s. 439 Cr.PC of accused Ajay @ Nathu for grant of regular bail.

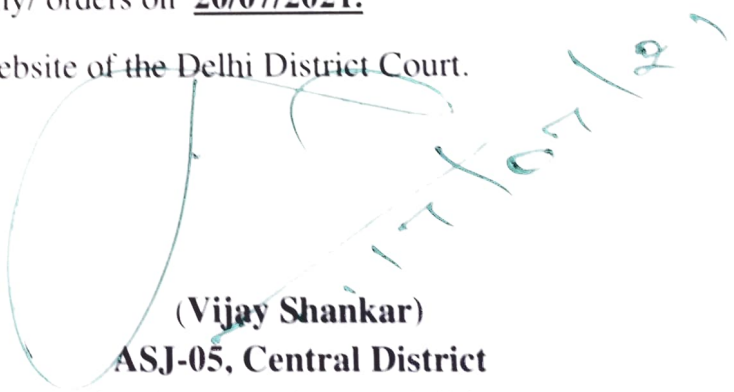
(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
IO/ Inspector Lokendra is present (through V.C.).
Sh. Deeapk Sharma, Ld. Counsel for the accused Ajay @ Nathu (through V.C.).

Arguments heard at length on the aforesaid regular bail application of the accused Ajay @ Nathu.

Put up for clarifications if any/ orders on 20/07/2021.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

CNR No DLCT01-003801-2015
SC No.162/2021
FIR No.134/2015
PS Lahori Gate
U/s 394/395/397/412/120-B IPC & 25 Arms Act
State Vs. Tahir Hussain & Ors.

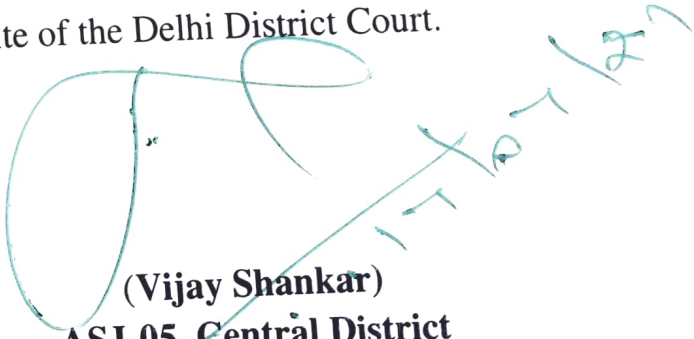
17/07/2021

File taken up today on furnishing of bail bonds of accused Tahir Hussain.
(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sureties Mr. Haqiqat Chauhan and Mr. Naimuddin with Ld. Counsel
Mr. Amjad Khan are present (through V.C.).

SHO/ IO is directed to verify the address of aforesaid both sureties and documents of the sureties attached with the bail bonds and file appropriate report on 20/07/2021.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(G)

DLCT01-014363-2019
SC No. 33/2021
FIR No.140/2019
PS Daryaganj
U/s 302/147/149/34 IPC
State Vs. Mursaleen & Ors.

17/07/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Mursaleen for grant of interim bail for the period of 90 days as per HPC guidelines. (Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

Sh. Diwanshu Sehgal, Ld. Counsel for the accused Mursaleen (through V.C.).

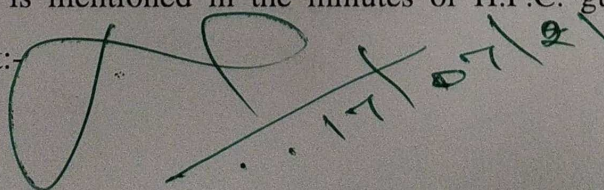
By way of present order, this Court shall disposed of interim bail application of the accused Mursaleen.

Arguments have already been heard on the aforesaid interim bail application of accused Mursaleen. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that accused has no involvement in any other case except the present case and jail conduct of the accused is satisfactory. It was further submitted that accused is in J/C in the present case for the period of more than two years. It was further submitted that accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021 that:-



“ (ii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/ she is in custody for a period of 15 days or more.

(xii) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case.”

In the present case, charge-sheet had been filed for the offence u/s 302/147/149/34 IPC. In the present case, reply/report of bail application of the accused was called from SHO/IO and concerned Jail Superintendent and same were filed. As per report of the SHO/IO, the accused Mursaleen is stated to be not involved in any other case except the present case. As per report of Jail Superintendent, Jail No. 1, Tihar, New Delhi, the period of custody of the accused is two years and five days as on 08/07/2021 and jail conduct of the accused is satisfactory. Case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. Keeping in view of the directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021 and in view of the submissions made, present interim bail application of the accused Mursaleen is allowed and accused is admitted to interim bail for the period of 90 days on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent subject to the conditions that:-

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the IO and the court;*

Handwritten signature and date: 08/07/21

- vi) Accused shall also provide his/her mobile number to the IO;*
- vii) Accused shall mark his/her attendance before the concerned IO (and if IO is not available then to concerned SHO), every week preferably on Monday through mobile by sharing his/her location with the SHO/IO;*
- viii) Accused shall further make a call, preferably by audio plus video mode to concerned IO (and if IO is not available then to concerned SHO) once in 15 days preferably on Monday between 10:00 AM to 5:00 PM;*
- x) Accused shall keep his/her such mobile number 'Switched On' at all the time, particularly between 8:00 AM to 8:00 PM every day;*
- x) Accused shall not indulge in any kind of criminal activities;*
- xi) Accused shall follow Covid-19 protocol/guidelines issued by Central Government/State Government/Competent Authorities;*
- xii) The period of interim bail of 90 days shall commence from the date of release of the accused from Jail;*
- xiii) Accused shall surrender before the concerned Jail Superintendent after expiry of interim bail period;*

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action and for supplying the same to the accused. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

Order be uploaded on the website of Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(A)

DLCT01-014363-2019
SC No. 33/2021
FIR No.140/2019
PS Daryaganj
U/s 302/147/149/34 IPC
State Vs. Mursaleen & Ors.

17/07/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Nabeel for grant of interim bail for the period of 90 days as per HPC guidelines. (Proceedings Convened through Video Conferencing)

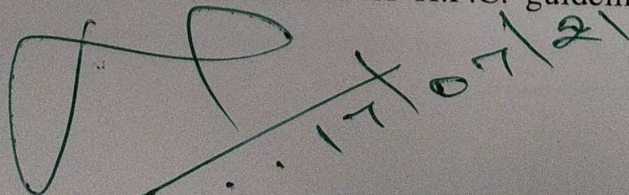
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Ghanshyam Kaushik, Ld. Counsel for the accused Nabeel (through V.C.).
By way of present order, this Court shall disposed of interim bail application of the accused Nabeel.

Arguments have already been heard on the aforesaid interim bail application of accused Nabeel. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that accused has no involvement in any other case except the present case and jail conduct of the accused is good. It was further submitted that accused is in J/C in the present case for the period of more than two years. It was further submitted that accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021 that:-



“ (ii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/ she is in custody for a period of 15 days or more.

(xii) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case.”

In the present case, charge-sheet had been filed for the offence u/s 302/147/149/34 IPC. In the present case, reply/report of bail application of the accused was called from SHO/IO and concerned Jail Superintendent and same were filed. As per report of the SHO/IO, the accused Nabeel is stated to be not involved in any other case except the present case. As per report of Jail Superintendent, Jail No.4, Tihar, New Delhi, the period of custody of the accused is two years and two days as on 05/07/2021 and jail conduct of the accused is good. Case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. Keeping in view of the directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021 and in view of the submissions made, present interim bail application of the accused Nabeel is allowed and accused is admitted to interim bail for the period of 90 days on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent subject to the conditions that:-

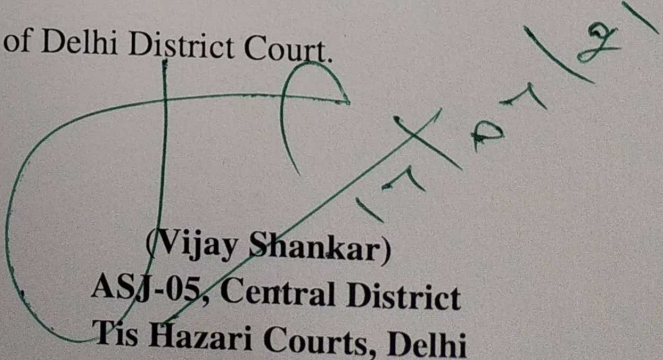
- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the IO and the court;*
- vi) Accused shall also provide his/her mobile number to the IO;*

[Handwritten signature and date 17/07/21]

- vii) Accused shall mark his/her attendance before the concerned IO (and if IO is not available then to concerned SHO), every week preferably on Monday through mobile by sharing his/her location with the SHO/IO;*
- viii) Accused shall further make a call, preferably by audio plus video mode to concerned IO (and if IO is not available then to concerned SHO) once in 15 days preferably on Monday between 10:00 AM to 5:00 PM;*
- x) Accused shall keep his/her such mobile number 'Switched On' at all the time, particularly between 8:00 AM to 8:00 PM every day;*
- x) Accused shall not indulge in any kind of criminal activities;*
- xi) Accused shall follow Covid-19 protocol/guidelines issued by Central Government/State Government/Competent Authorities;*
- xii) The period of interim bail of 90 days shall commence from the date of release of the accused from Jail;*
- xiii) Accused shall surrender before the concerned Jail Superintendent after expiry of interim bail period;*

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action and for supplying the same to the accused. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(A)

DLCT01-011283-2019

SC No. 91/2021

FIR No. 112/2019

PS Subzi Mandi

U/s 302/201/404 IPC

State Vs. Santosh Kumar Kushwaha

17/07/2021

File taken up today on interim bail application of the accused Santosh Kumar Kushwaha for the period of 90 days as per guidelines of High Powered Committee.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

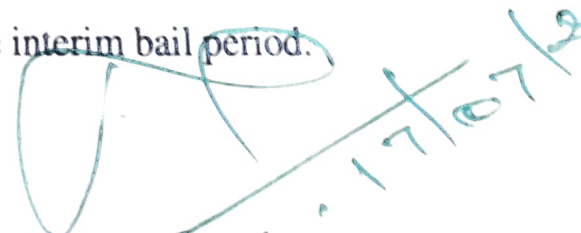
None has joined the proceedings via video conferencing on behalf of the accused.

Ahlmad is absent.

By way of present order, this Court shall disposed of interim bail application of the accused Santosh Kumar Kushwaha.

Arguments have already been heard on the aforesaid interim bail application of accused Santosh Kumar Kushwaha. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that accused has no involvement in any other case and jail conduct of the accused is satisfactory. It was further submitted that accused is in J/C in the present case for the period of more than two years and two months. It was further submitted that accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

A handwritten signature in blue ink is written over the date 17/07/21. The signature is a cursive scribble that starts with a large loop and ends with a horizontal stroke.

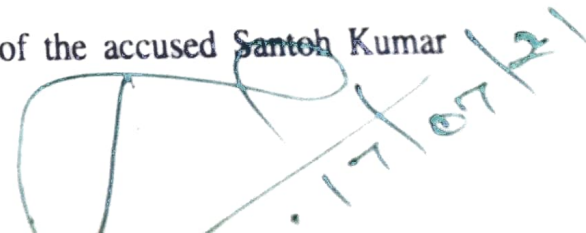
During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021 that:-

“ (ii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/ she is in custody for a period of 15 days or more.

(xii) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case.”

In the present case, charge-sheet had been filed against the accused for the offence u/s 302/201/404 IPC. In the present case, reply/report of bail application of the accused was called from SHO/IO and concerned Jail Superintendent and same were filed. As per report of the SHO/IO, the accused was involved in DD No. 29-A dated 04/08/2018 u/s 40-A Delhi Excise Act, PS Usmanpur. Thereafter, report was called from the IO of the aforesaid DD No. 29-A and report was filed by HC Raj Kumar. On 07/07/2021, it was submitted by HC Raj Kumar that accused Santosh Kumar Kushwaha is not involved in DD No. 29-A dated 04/08/2018 u/s 40-A Delhi Excise Act, PS Usmanpur. Accused is stated to be not involved in any other case except the present case. As per report of Jail Superintendent, Jail No.1, Tihar, New Delhi, the period of custody of the accused is two years, one month and two days as on 11/06/2021 and jail conduct of the accused is satisfactory. Case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. Keeping in view of the directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021 and in view of the submissions made, present interim bail application of the accused Santosh Kumar

 17/07/21

Kushwaha is allowed and accused is admitted to interim bail for the period of 90 days on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent subject to the conditions that:-

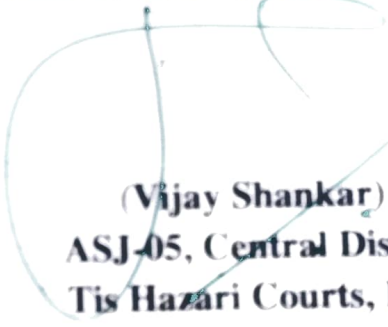
- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the IO and the court;*
- vi) Accused shall also provide his/her mobile number to the IO;*
- vii) Accused shall mark his/her attendance before the concerned IO (and if IO is not available then to concerned SHO), every week preferably on Monday through mobile by sharing his/her location with the SHO/IO;*
- viii) Accused shall further make a call, preferably by audio plus video mode to concerned IO (and if IO is not available then to concerned SHO) once in 15 days preferably on Monday between 10:00 AM to 5:00 PM;*
- x) Accused shall keep his/her such mobile number 'Switched On' at all the time, particularly between 8:00 AM to 8:00 PM every day;*
- x) Accused shall not indulge in any kind of criminal activities;*
- xi) Accused shall follow Covid-19 protocol/guidelines issued by Central Government/State Government/Competent Authorities;*
- xii) The period of interim bail of 90 days shall commence from the date of release of the accused from Jail;*


17/07/21

xiii) Accused shall surrender before the concerned Jail Superintendent after expiry of interim bail period;

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action and for supplying the same to the accused. Copy of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
17/07/2021(A)

DLCT01-014363-2019
SC No. 33/2021
FIR No.140/2019
PS Daryaganj
U/s 302/147/149/34 IPC
State Vs. Mursaleen & Ors.

17/07/2021

File taken up today on the bail application u/s. 439 Cr.PC of accused Sualehheen @ Suwaleen for grant of interim bail for the period of 90 days as per HPC guidelines. (Proceedings Convened through Video Conferencing)

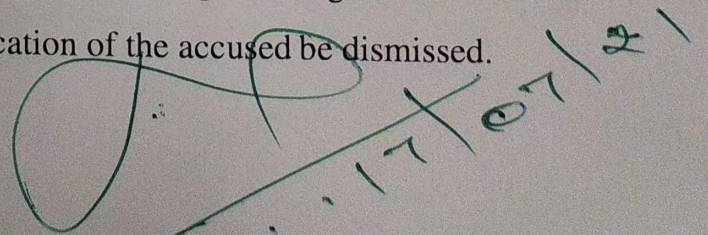
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Diwanshu Sehgal, Ld. Counsel for the accused Sualehheen @ Suwaleen (through V.C.).

By way of present order, this Court shall disposed of interim bail application of the accused Sualehheen @ Suwaleen.

Arguments have already been heard on the aforesaid interim bail application of accused Sualehheen @ Suwaleen. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No. (C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that accused has no involvement in any other case except the present case and jail conduct of the accused is satisfactory. It was further submitted that accused is in J/C in the present case for the period of more than two years. It was further submitted that accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed.



It is mentioned in the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021 that:-

“(ii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/ she is in custody for a period of 15 days or more.

(xii) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case.”

In the present case, charge-sheet had been filed for the offence u/s 302/147/149/34 IPC. In the present case, reply/report of bail application of the accused was called from SHO/IO and concerned Jail Superintendent and same were filed. As per report of the SHO/IO, the accused Sualehheen @ Suwaleen is stated to be not involved in any other case except the present case. As per report of Jail Superintendent, Jail No. 1, Tihar, New Delhi, the period of custody of the accused is two years and nine days as on 12/07/2021 and jail conduct of the accused is satisfactory. Case of the accused falls in the criteria no. (xii) r/w (ii) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. Keeping in view of the directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021 and in view of the submissions made, present interim bail application of the accused Sualehheen @ Suwaleen is allowed and accused is admitted to interim bail for the period of 90 days on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent subject to the conditions that:-

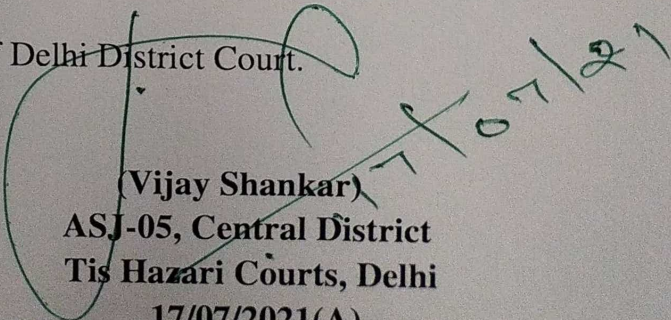
- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*

[Handwritten signature and date: 12/07/21]

- v) Accused shall convey any change of address immediately to the IO and the court;
- vi) Accused shall also provide his/her mobile number to the IO;
- vii) Accused shall mark his/her attendance before the concerned IO (and if IO is not available then to concerned SHO), every week preferably on Monday through mobile by sharing his/her location with the SHO/IO;
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