

Bail Application No.1981/21
FIR No.0180/2021
P.S. Bara Hindu Rao
U/s 379/356/34 IPC
State Vs. Ajay Kumar

27.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Ajay Kumar under Section 439 Cr.P.C., for grant of bail.

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

Ms. Raymon Singh, Ld. Counsel for accused/applicant through VC.

Ld. Counsel for applicant submits that the application may be treated as urgent application and same may be fixed for tomorrow. Request is allowed.

Let reply of the application be called from IO/SHO for 28.07.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/27.07.2021

Bail Application No.1982/21
FIR No.196/2021
P.S. Bara Hindu Rao
U/s 448/380/34 IPC
State Vs. Shahid @ Bittu

27.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Shahid @ Bittu under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Sohrab Khan, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on the application on 31.07.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/27.07.2021

Bail Application No.1983/21
FIR No.04/21
P.S. Gulabi Bagh
U/s 392 IPC
State Vs. Vinod Kumar @
Rohit Kalu

27.07.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Vinod Kumar @ Rohit Kalu under Section 437 Cr.P.C., for grant of bail.

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

Sh. Alamine, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on the application on 05.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/27.07.2021

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

Bail Application No. 175
FIR No. 328/2019
U/s 406/419/420/467/471/120B IPC
P.S. Crime Branch (Central)
State Vs. Rajan Sharma

27.07.2021

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 Rajan Sharma for grant of regular bail.

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

Applicant/accused is present through VC.

IO/SI Umesh is present through VC.

Complainant Dr. Ravinder Kler is present through VC.

Matter is listed for adjudication for the application moved by the applicant / accused for grant of regular bail. It has been apprised by the parties that they had entered into a settlement before Delhi Mediation Centre, and vide mediation settlement dated 19.01.2021, applicant had to pay a total amount of Rs. 17 lakhs. It has been submitted by the complainant that he has received the said amount of Rs. 17 lakhs.

Under these circumstances, this Court deems it fit to grant bail to the applicant /applicant Rajan Sharma. Accordingly, the applicant/accused

Contd.....

Rajan Sharma is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
- ii. He shall not hamper the trial or investigation in any manner.
- iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
- iv. He shall join the investigation/attend trial without default.

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.

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

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/27.07.2021

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

M. CrI. No. 312/21
FIR No. 727/2020
U/s 406/498A IPC
P.S. Burari
State Vs. Anuj Minj

27.07.2021

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.

File taken up on an application for modification of order dated 23.07.2021 whereby applicant Anuj Minj was granted anticipatory bail.

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

Ms. Anjna Masih, Ld. Counsel for applicant through VC.

Ld. Counsel for applicant submits that applicant is working in Bhubaneswar and thus has requested the Court to reconsider condition no. ii, as mentioned in para-4 of order dated 23.07.2021.

Submission heard.

Since the applicant / accused is stated to be working in Bhubaneswar, condition no. ii mentioned in para-4 of order dated 23.07.2021 is hereby removed qua the applicant Anuj Minj. Application stands disposed off.

Order be uploaded on the website.

**(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/27.07.2021**

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

BAIL APPLICATION NO. 1901/21
FIR NO. 463/2020
PS Timarpur
U/s 307/34 IPC & 2/27 Arms Act
State Vs. Rahul @ Juddi

27.07.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Niklesh Mourya, Ld. Counsel for applicant through VC.

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

2. Ld. Counsel for applicant/accused submitted that accused is in Judicial Custody since 30.12.2020. It has further been submitted that accused undertakes to abide with all terms and conditions that would be imposed upon him, in the eventuality of him being granted bail. Lastly, he submitted that no purpose would be served in detaining him any longer, and accordingly he should be enlarged on bail.

3. *Per contra*, Ld Addl. PP for the State has vehemently opposed the bail application as per law. It was submitted that earlier bail application of the accused has already been dismissed vide order dated 20.05.2021, and that no new facts and circumstances have putforth by the accused so as to entitle him to grant of bail. It was further submitted that accused is a habitual offender.

4. Submissions of both sides heard.

5 Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: The brief facts of the case are that a PCR call vide DD no. 90A was received at PS Timarpur, Delhi in the night of 29.12.2020. On receiving the the said PCR call, IO SI Manoj alongwith staff HC Sumit reached to the spot and found that

injured was already shifted to AAA Hospital. HC Jai Singh was deputed to preserve the spot. Thereafter, IO recorded the statement of injured Dishad who stated that one Sumit @ Kallu alongwith Rahul @ Juddi and Baua shot at him while he was going towards his aunt's house due to previous enmity. The accused persons fled from the spot. The injured was taken to hospital after his shirt was changed was soaked in blood. The 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. During the course of investigation, the accused Rahul @ Juddi and Sumit @ Kallu were arrested and one Dessi Katta alongwith two live cartridges were recovered from the possession of the accused Sumit @ Kallu, who disclosed to have shot at the injured Dilshad with the same Dessi Katta and fled from the spot. The deshi katta and two live cartridges have been seized. It is also alleged that during the incident accused Rahul @ Juddi threatened the complainant. Thus, the present FIR came to be registered.

6. A perusal of the record reveals that there are grave allegations of causing injuries with the help of deshi katta. The accused herein has been previously involved in FIR No. 156/2020, under Section 394/411/34 IPC in PS Timarpur i.e., in the commission of another serious offence namely voluntarily causing hurt in the commission of robbery. During the course of arguments,

Ld. Additional PP for the State had demurred that nothing was averred by Ld. Counsel for applicant/accused qua change in the *status quo*, after dismissal of the previous bail application.

7. After considering over all the facts and circumstances of the case, taking into the account the gravity of the offence and the role attributed to the applicant, this Court of the considered opinion that no ground of grant of the bail is made out at this juncture. Accordingly, this Court is not inclined to grant bail to the accused Rahul @ Juddi at this juncture, and therefore present application is hereby dismissed.

8. With these observations, the bail application moved on behalf of accused/applicant Rahul @ Juddi 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/27.07.2021

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

Bail Application No. 1900/21
FIR No. 267/2021
U/s 498A/406/34 IPC
P.S. Burari
State Vs. Sunil Jeenwal

27.07.2021

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 Sunil Jeenwal for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Sanjay Sharma, Ld. Counsel for applicant through VC.
IO/ASI Sukhbir Singh Pushpender is 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 submitted that applicant has been falsely implicated in the present FIR. He further submitted

that applicant married the complainant on 29.11.2013 and their daughter was born on 16.02.2015. He further submitted that present FIR has been lodged with wrong and manipulated allegations after 8 years of marriage with a sole purpose to harass the applicant/accused. He further submitted that no specific date and time qua the commission of the alleged offences has been mentioned by the complainant in the entire FIR. He further submitted that the present FIR was registered pursuant to lodging of complaint before CAW Cell in the year 2019 which was resolved on 11.12.2019, before Delhi Govt. Mediation / Conciliation Centre. Thus, it was submitted that accused ought to be granted anticipatory bail.

3. *Per contra*, Ld. Addl. PP for the State alongwith IO vehemently opposed the present anticipatory bail application as per law. It has been submitted that there are allegations of harassment and demand of dowry by the applicant.
4. Submissions heard and record perused.
5. In matters pertaining to matrimonial dispute, it would be apposite to refer to the following extract of ***Udit Raj Poonia Vs. State (Government of NCT of Delhi) 2017 (1) DLT (Cri) 805 :-***

“23. This Court is of the considered opinion that in matters of matrimonial cases, the Investigating Officer is required to first make out whether any article is to be recovered. In case, he is of the view that any article is to be recovered then he is to decide whether the custodial

interrogation of any of the accused is required for the purpose of recovery of article. Without reaching to the conclusion with regard to recovery of article, whether it is stridhan article or any other article, the Investigating Officer is not to arrest the person for the recovery of the same.

24. Similarly, the bail application ought not be rejected for setting the scores between the parties.

25. As per the discussions made above, this Court view that :

****Provisions of Section 41 Cr.P.C. and the guidelines issued vide Standing Order Nos. 330/2008 and 444/2016 are mandatory in nature and must be complied with***

****The DCP/ACP shall ensure that the alleged articles are in existence and the recovery/seizure could take place without the arrest, in other words, that arrest is the only mode in the facts and circumstances to effect the recovery before granting the sanction to arrest.***

****Similarly, the Court while considering the bail under Section 437, 438, 439 Cr.P.C. shall refuse the bail in exceptional circumstances.***

**** The exceptional circumstances may be assessed by the court concerned and the bail application must be decided expeditiously.***

****In the matrimonial cases bail is a rule and refusal is an exception.”***

6. A perusal of the record reveals that the complainant and the applicant were married about 8 years ago on 29.11.2013. They have a daughter who is 6 years old. The disputes between them were referred to the Mediation Centre, and even after the

settlement, the parties had started living together. A perusal of para-13 of the application for grant of anticipatory bail filed by the applicant reveals that the applicant is still ready to keep the complainant and their baby girl with him. This averment reflects that there is scope for hearts to melt and for the parties riven asunder to be restored to *status quo ante* position. Incarcerating the applicant may tantamount to crossing the Rubicon, for an arrest may obviate chances of reconciliation, if any. Thus, this Court does not deem it fit to allow apprehension of the applicant by the police at this juncture, so long as the applicant cooperates and joins the investigation as and when called for. In this case, during the course of arguments, the IO had requested the applicant to join investigation on 08.08.2021 at 10 AM. The applicant shall accordingly so submit himself before the IO for the said purpose at the date and time mentioned above. Accordingly, applicant is granted anticipatory bail on the following conditions:-

- a) In the event of arrest, applicant shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 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 intimation to the IO.
- 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.
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/27.07.2021

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

BAIL APPLICATION NO. 1878/21

FIR NO. 246/2021

U/S 420 IPC

P.S. Subzi Mandi

State vs Anuj Kumar Anand @ Andy

27.07.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

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

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

TCR received. Same is perused.

ORDER ON BAIL APPLICATION

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

complainant. He further submitted that applicant/accused has no criminal antecedents. He further submitted that as per the FIR, allegations against accused is that despite taking advance from the complainant, accused did not provide any Renidesivir injection citing one reason or the other. Ld. Counsel has submitted that accused is in J/C since 10.05.2021, and the charge sheet has already been filed. Therefore, no purpose would be served detaining him at bar. Thus, according to him, the accused ought to be enlarged on bail.

3. Per *contra*, Ld Addl. PP for the State vehemently opposed the application. It is submitted that the accused may threaten the witnesses, and therefore, bail ought not to be granted.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged that the present case was registered on the complaint of complainant Ms. Ankita Upreti, wherein she alleged that she had in a need of Ramedsivir injection for her father in law. A unknown person met with complainant near St. Stephen Hospital, Delhi and he provided the mobile number of accused herein and stated that he might have help complainant. She contacted accused on his mobile. Accused Anuj Kumar Anand promised

to give her four vials of the injection at the rate of Rs.18,000/- per vial and he provided complainant to his bank details through whatsapp. Complainant transferred Rs.25,000/- from the account of her brother in law namely Kailash Kandpal in the account of accused Anuj Kumar Anand. However, accused did not provide any Renidesivir vial. Therefore, the present case was registered.

5. Adverting to the rival contentions of both sides, a perusal of record reveals that the charge sheet in the present case has already been filed. Accused Anuj Kumar Anand is in J/C since 10.05.2021. No further recovery is to be effected from the accused. Further, the apprehensions of accused threatening the witnesses have also not been substantiated. Under these circumstances, this court is of the opinion that the accused Anuj Kumar Anand be granted bail. Accordingly, the accused Anuj Kumar Anand is admitted on bail on furnishing bail bond and surety bond of Rs 20,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

i. He shall not establish any contact with the victim or any other witness, nor try threaten influence, intimidate etc. any witness.

- ii. He shall not hamper the trial or investigation in any manner.
 - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
 - iv. He shall join the investigation/attend trial without default.
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. TCR be returned alongwith the copy of today's order to the Court concerned.
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/27.07.2021

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

Bail Application No. 428
FIR No. 481/2020
U/s 420/468/471/34 IPC
P.S. Subzi Mandi
State Vs. Kamal Prasad

27.07.2021

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 Kamal Prasad for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.
Sh. Saurabh Sharma, Ld. Counsel for applicant through VC.
IO/SI Lalit Kumar is 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 submitted that applicant herein never met the complainant nor did he sign any document,

as alleged by the prosecution. It was submitted that the applicant herein has been cooperating with the investigating agency, and rather it is the complainant who has not joined the investigation. Lastly, it was submitted that the applicant is 72 years old, and keeping the above facts in consideration, applicant ought to be granted anticipatory bail.

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 the present FIR emanates from judicial order passed while allowing an application u/s 156(3) Cr.P.C. by the Ld. MM. It was submitted that after due enquiry it was found that Havells Company officials stated that the applicant herein was never an employee of the said company. An apprehension was putforth that applicant may have cheated others also. Lastly, it was submitted that applicant has no local address in Delhi and thus anticipatory bail should not be allowed.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is submitted that Sh. Sudhir Nagpal filed application u/s 156.3 Cr.P.C. stating that he was willing to deal in electronic parts. During this time, he came in contact with one Vijay Kumar and Vijay Kumar introduced him to one Kamal Prasad applicant herein. Applicant Kamal Prasad introduced himself as Senior Business Development Official of M/s Havells

India Ltd. Kamal Prasad lured the complainant to give him dealership for which Kamal Prasad cheated the complainant for an amount of Rs. 7 lacs in cash. On directions of the Court present case was registered and investigation was conducted. During the course of investigation, Havells India Limited informed that there no employee with the name of accused Kamal Prasad which leads to the inference that present applicant/accused had forged the letter head of Havells India Limited and conspired with Vijay Kumar to cheat the complainant. During the course of investigation section 468/471/34 IPC has been added in the present case. Efforts were made to trace the present applicant/accused at the available addresses but he never joined the investigation of the case. NBW of accused/applicant was taken. After the directions of Court vide orders dated 18.02.2021, accused Kamal Prasad joined the investigation on 22.02.2021 and disclosed that he does not know the complainant and that he has not signed any agreement with the complainant. During the course of investigation, complainant was asked to join investigation alongwith accused, but he did not join investigation.

5. It would be imperative to reproduce the following extracts of order dated 18.02.2021 passed by the Ld. Predecessor of this Court while granting interim protection from arrest:-

“.....As per prosecution case, entire amount of Rs. 7 lacs has been paid to accused/applicant by complainant in

cash. Accused/applicant has specifically claimed that he had neither executed nor signed on the documents given to IO by complainant.

In view of the aforesaid facts and circumstances, accused/applicant is directed to join the investigation on 22.02.2021 at 5 PM and on all dates thereafter as and when directed by the IO to do so.....”

6. Pursuant to passing of this order, it has been brought on record that the applicant has been joining investigation. Further a perusal of the order sheet dated 16.03.2021 reveals that IO submitted that applicant has already joined the investigation of the case, however it is the complainant / victim is not cooperating in the investigation. Reply filed by the IO today also reveals that during the course of investigation, complainant was asked to join investigation alongwith applicant, but the complainant did not join the investigation.
7. In the context of cooperation with investigating agencies, it would 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.....”

8. Thus, keeping in view the fact that applicant is joining investigation, the fact that evidences to be collected are primarily documentary in nature, coupled with the factum of the applicant being a senior citizen., this Court deems it fit to grant anticipatory bail to the applicant Kamal Prasad 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.
9. 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.
10. 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/27.07.2021