

Bail Application No.2094/21
FIR No. 148/2021
P.S. Timarpur
U/s 370/120B/34 IPC
State Vs. Rajrani

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Rajrani under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Krishana Mohan, Ld. Legal Aid Counsel for
accused/applicant through VC.

Reply received from IO/SI Srichand. However, no reply has been received from the Jail Superintendent in terms of order dated 11.08.2021. Accordingly, let fresh reply be called from Jail Superintendent in terms of order dated 11.08.2021 for NDOH.

List for arguments on 16.08.2021.

At this stage, at 11: 40 a.m., a letter dated 13.08.2021 has been received from Dy. Superintendent, Central Jail No.6, Tihar, New Delhi wherein it has been submitted that due to shortage of time, medical report could not be prepared. Time is granted. Report be filed on 16.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2095/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Lala

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Lala under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of IO received.

Ld. Counsel for applicant submitted that matter has already been comprised between the complainant/injured and the accused, and copy of compromise deed has already been placed on record. He further submitted that parties would be approaching Hon'ble High Court of Delhi for quashing the present FIR. He further submitted that co-accused Pankaj Kumar has already been granted anticipatory bail vide order dated 03.08.2021 of the Court, and therefore on the parity ground, accused ought to be granted anticipatory bail.

Under these circumstances on the grounds of parity, also acknowledging the fact that a compromise deed has been executed

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Bail Application No.2095/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Lala

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between the applicant and the complainant, this court is of the opinion that applicant/accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.
- d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.
- f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any

Contd....3

Bail Application No.2095/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Lala

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complaint is received from the complainant that the applicant is trying to contact him and trying to put pressure on him then the protection granted by this Court shall stand cancelled.

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.

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/13.08.2021

Bail Application No.2096/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Shiv Shanker @ Gela

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Shiv Shanker @ Gela under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of IO received.

Ld. Counsel for applicant submitted that matter has already been comprised between the complainant/injured and the accused, and copy of compromise deed has already been placed on record. He further submitted that parties would be approaching Hon'ble High Court of Delhi for quashing the present FIR. He further submitted that co-accused Pankaj Kumar has already been granted anticipatory bail vide order dated 03.08.2021 of the Court, and therefore on the parity ground, accused ought to be granted anticipatory bail.

Under these circumstances on the grounds of parity, also acknowledging the fact that a compromise deed has been executed

Contd...2

Bail Application No.2096/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Shiv Shanker @ Gela

-2-

between the applicant and the complainant, this court is of the opinion that applicant/accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.
- d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.
- f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any

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Bail Application No.2096/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Shiv Shanker @ Gela

-3-

complaint is received from the complainant that the applicant is trying to contact him and trying to put pressure on him then the protection granted by this Court shall stand cancelled.

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.

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/13.08.2021

Bail Application No.2097/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Rashid

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Rashid under Section 438 Cr.P.C., for grant of anticipatory bail.

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

Sh. Kashmir Singh, Ld. Counsel for accused/applicant through VC.

Reply of IO received.

Ld. Counsel for applicant submitted that matter has already been comprised between the complainant/injured and the accused, and copy of compromise deed has already been placed on record. He further submitted that parties would be approaching Hon'ble High Court of Delhi for quashing the present FIR. He further submitted that co-accused Pankaj Kumar has already been granted anticipatory bail vide order dated 03.08.2021 of the Court, and therefore on the parity ground, accused ought to be granted anticipatory bail.

Under these circumstances on the grounds of parity, also acknowledging the fact that a compromise deed has been executed

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Bail Application No.2097/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Rashid

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between the applicant and the complainant, this court is of the opinion that applicant/accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The applicant/accused is directed not to leave country without prior permission of the Court.
- c) The applicant/accused shall join investigation as and when called for.
- d) The applicant/accused is directed to give his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The applicant/accused shall give his address to the IO and if they change the address he shall intimate the same to the IO.
- f) The accused/applicant shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any

Contd....3

Bail Application No.2097/2021
FIR No. 543/2021
P.S. Burari
U/s 308/341/506/34 IPC
State Vs. Rashid

-3-

complaint is received from the complainant that the applicant is trying to contact him and trying to put pressure on him then the protection granted by this Court shall stand cancelled.

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.

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/13.08.2021

Misc.application No.351/2021
ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Sarvjeet Paul Bajaj under Section 440 Cr.P.C., for reduction of surety amount of FDR/or for furnishing personal bond with lessor amount.

Present: Sh. Manmeet Singh Arora, Ld. Special Public Prosecutor for the complainant through VC.
Sh. Sabyasachi Mishra, Ld. Counsel for accused/applicant through VC.

Ld. counsel for the accused submitted that the conditions on which bail was granted to the accused vide order dated 23.07.2021 by the Ld. ACMM, are onerous in as much as the company of the accused namely Shaurya Housing Limited, is undergoing liquidation. He further submitted that the applicant and his family members have not been able to arrange for an FDR of Rs.2 lacs or for a surety bond for the sum of Rs.50,000/-, as mandated vide the abovesaid order dated 23.07.2021.

Per contra, Ld. Special PP for ITO vehemently opposed the application contending that the abovesaid conditions were imposed by Ld. ACMM after duly considering the submissions of Ld. Counsel for the accused.

Contd.....2

ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

-2-

Submissions heard.

A perusal of the record, especially letter dated 12.08.2021 sent by the Income Tax Officer to the Ld. Special PP, would reveal that the Income Tax department have affirmed the factum of the company of accused namely Shaurya Housing Limited, undergoing liquidation proceedings. Further, a perusal of the order dated 23.07.2021 passed by Ld. ACMM reveals that the TDS amount has already been deposited by the accused. This fact assumes significance, as it is an admitted position that the case was initiated on account of delay in paying the TDS amount.

At this juncture, it would be apposite to peruse **Veera Umurao vs State of Punjab [CRM-M-10065-2021 dated 08.04.2021]** wherein it is observed as under :

“440. Amount of bond and reduction thereof.-- (1) The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive. (2) The High Court or the Court of Session may direct that the bail required by a police officer or Magistrate be reduced.”

Section 445 of the Cr.P.C., which provides for deposit instead of recognizance reads under:-

“445. Deposit instead of recognizance-- When any person is required by any Court or officer to execute a bond with 3 of 5 without sureties, such Court or officer may, except in the case of a

Contd...3

ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

-3-

bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.”

While order release of an accused on bail the Court has to fix the amount of bond with due regard to the circumstances of the case and financial condition of the accused and cannot impose condition of furnishing bail bonds in very high/excessive amount or impose any condition of deposit of unreasonable amount beyond the financial capacity/means of the accused. Fixing of very high/excessive amount or imposing any condition of deposit of unreasonable amount may amount to unjust denial of the relief of bail granted by the Court to the accused.”

Under these circumstances, considering the submissions made by Ld. Counsel for applicant/accused and the observation made in **Veera Umurao vs State of Punjab (Supra)**, the surety amount is reduced from Rs.50,000/- to Rs.25,000/- and the FDR amount is reduced Rs.2 lacs to Rs.50,000/-. Accordingly, applicant/accused be released on bail furnishing bail bonds for a sum of Rs.25,000/- with one surety of like amount also subject to deposition of FDR of Rs.50,000/- before concerned Court/Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be.

With the above observations, application stands disposed off.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Misc.application No.352/2021
ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

13.08.2021

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 through Video Conferencing Mode.

This is an application moved for accused Sarvjeet Paul Bajaj under Section 440 Cr.P.C., for reduction of surety amount of FDR/or for furnishing personal bond with lessor amount.

Present: Sh. Manmeet Singh Arora, Ld. Special Public Prosecutor for the complainant through VC.
Sh. Sabyasachi Mishra, Ld. Counsel for accused/applicant through VC.

Ld. counsel for the accused submitted that the conditions on which bail was granted to the accused vide order dated 23.07.2021 by the Ld. ACMM, are onerous in as much as the company of the accused namely Shaurya Housing Limited, is undergoing liquidation. He further submitted that the applicant and his family members have not been able to arrange for an FDR of Rs.2 lacs or for a surety bond for the sum of Rs.50,000/-, as mandated vide the abovesaid order dated 23.07.2021.

Per contra, Ld. Special PP for ITO vehemently opposed the application contending that the abovesaid conditions were imposed by Ld. ACMM after duly considering the submissions of Ld. Counsel for the accused.

Contd.....2

ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

-2-

Submissions heard.

A perusal of the record, especially letter dated 12.08.2021 sent by the Income Tax Officer to the Ld. Special PP, would reveal that the Income Tax department have affirmed the factum of the company of accused namely Shaurya Housing Limited, undergoing liquidation proceedings. Further, a perusal of the order dated 23.07.2021 passed by Ld. ACMM reveals that the TDS amount has already been deposited by the accused. This fact assumes significance, as it is an admitted position that the case was initiated on account of delay in paying the TDS amount.

At this juncture, it would be apposite to peruse **Veera Umurao vs State of Punjab [CRM-M-10065-2021 dated 08.04.2021]** wherein it is observed as under :

“440. Amount of bond and reduction thereof.-- (1) The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive. (2) The High Court or the Court of Session may direct that the bail required by a police officer or Magistrate be reduced.”

Section 445 of the Cr.P.C., which provides for deposit instead of recognizance reads under:-

“445. Deposit instead of recognizance-- When any person is required by any Court or officer to execute a bond with 3 of 5 without sureties, such Court or officer may, except in the case of a

Contd...3

ITO Vs. Shaurya Housing Ltd. & Anr.
(Applicant namely Sarvjeet Paul Bajaj)

-3-

bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix in lieu of executing such bond.”

While order release of an accused on bail the Court has to fix the amount of bond with due regard to the circumstances of the case and financial condition of the accused and cannot impose condition of furnishing bail bonds in very high/excessive amount or impose any condition of deposit of unreasonable amount beyond the financial capacity/means of the accused. Fixing of very high/excessive amount or imposing any condition of deposit of unreasonable amount may amount to unjust denial of the relief of bail granted by the Court to the accused.”

Under these circumstances, considering the submissions made by Ld. Counsel for applicant/accused and the observation made in **Veera Umurao vs State of Punjab (Supra)**, the surety amount is reduced from Rs.50,000/- to Rs.25,000/- and the FDR amount is reduced Rs.2 lacs to Rs.50,000/-. Accordingly, applicant/accused be released on bail furnishing bail bonds for a sum of Rs.25,000/- with one surety of like amount also subject to deposition of FDR of Rs.50,000/- before concerned Court/Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be.

With the above observations, application stands disposed off.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2119/2021
FIR No. 4992/2020
P.S. Maurice Nagar
U/s 379/411 PC
State Vs. Sagar

13.08.2021

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 through Video Conferencing Mode.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Unit Pal, Ld. Counsel for accused/applicant through VC.

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

Ld. Counsel for the accused submitted that the wife of the applicant is ill. However, he has not filed the relevant medical documents to substantiate his claim. IO is also directed to verify the said fact and to file reply on this aspect on next date.

List for arguments on 17.08.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2121/2021
FIR No. 0204/2021
P.S. Timarpur
U/s 308/452/323/506/34 PC
State Vs. Rahul Kumar

13.08.2021

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 through Video Conferencing Mode.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Satyendra Pratap Sharma, Ld. Counsel for
accused/applicant through VC.

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

List for arguments on 18.08.2021.

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(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2120/2021
FIR No. 180/2021
P.S. Bara Hindu Rao
U/s 356 PC
State Vs. Md. Azhar

13.08.2021

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 through Video Conferencing Mode.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Khadim Khan, Ld. Counsel for
accused/applicant through VC.

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

List for arguments on 20.08.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2123/2021
FIR No. 96/2021
P.S. Civil Line
U/s 420 PC
State Vs. Prakash

13.08.2021

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 through Video Conferencing Mode.

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Aditya Kapoor, Ld. Counsel for
accused/applicant through VC.

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

List for arguments on 20.08.2021.

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(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

Bail Application No.2122/2021
FIR No. 638/2020
P.S. Timarpur
U/s 447/379/506/34 PC
State Vs. Shri Rajiv Kumar

13.08.2021

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 through Video Conferencing Mode.

Fresh application moved for accused Shri Rajiv Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for
accused/applicant through VC.

Ld. Counsel for the applicant submits that he desires to withdraw the present application. Accordingly, at request of Ld. Counsel for applicant, present application is dismissed as withdrawn.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021

**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
PS Wazirabad
U/s 308/323/506 IPC
State vs Rajesh

13.08.2021

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 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. P.N. Mishra, Ld. Counsel for applicant / accused
through VC.
IO/SI Ved Prakash through VC.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused Rajesh. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused submitted that applicant has been falsely implicated in the present case. He further submitted that applicant / accused has no criminal antecedents. He further submitted that the applicant herein had tried to stop Rohit @ Rocky at the first instance. It has also been contended that no specific role has been attributed to Rajesh in the complaint. It was also pointed out that during the scuffle the son of applicant/accused Rajesh also suffered injuries. He further submitted that no stone/brick has been recovered, and also no injuries were caused due to attack from stone/brick. Lastly, he submitted that accused/applicant is a senior citizen and thus the accused ought to be granted anticipatory bail.

3. *Per contra*, Ld Addl. PP for the State and IO have vehemently opposed the application as per law. As per the IO, injured Vishal gave supplementary statement on 24.04.2021 averring that the applicant herein was also instrumental in throwing bricks and stones at the injured.

4. At this juncture, it would be apposite to reproduce the following extracts of *Bhadresh Bipin Bhai Sheikh Vs. State of Gujrat, 2016 1 SCC 152* :-

“The principles for grant of anticipatory bail can be summarised as follows:-

(x) The following factors and parameters needs to be taken into consideration while dealing with anticipatory bail.

(a) The nature and gravity of the accusation and the

exact role of the accused must be properly comprehended before arrest is made.

(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusation have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern”

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the even of there being some doubt as to the genuineness of the prosecution in the normal course of events, the accused is entitled to an order of bail.

5. Adverting to the rival contentions of the parties, a perusal of the FIR would reveal that when the complaint was made, at the very first instance, the entire blame was put on son of the applicant and no role whatsoever was attributed to the applicant herein. Rather, it was avowed in the FIR that the applicant herein broke the fight between the two warring factions, and sent co-accused Rocky @ Rohit back home. The applicant herein is stated to be a senior citizen having no previous involvement and no recovery is to be effected from him. It is thus apparent that no purpose would be served incarcerating the accused at this juncture. Under these circumstances, this court is of the opinion that the accused be granted anticipatory bail. Taking into account the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions:

- a) Thus, in the event of arrest, he shall be released on bail on furnishing bail bond and surety bond of Rs. 20,000/- alongwith one surety of like amount to the satisfaction of the SHO/IO concerned.
- b) The petitioner is directed not to leave the country without prior permission of the Court.
- c) The petitioner shall join investigation as and when called for.
- d) The petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The petitioner shall give his address to the IO and if he changes the address he shall intimate the same to the IO.
- f) The accused shall not, directly or indirectly, contact or pressurize,

complainant or any other witness. In case any complaint is received from the complainant that the accused is trying to contact him/her and trying to put pressure on him/her then the protection granted by this Court shall stand cancelled.

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 anticipatory bail application stands disposed off.

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

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/13.08.2021