

State Vs. Naveen Sharma
FIR No. 506/19
PS Bharat Nagar
U/S 363/368/376/201 IPC
r/w Section 6 POCSO Act & 77 J.J. Act

13.04.2020

Pr: Sh. Virender Kharta, Ld. Addl. PP for State.

Sh. Rajbir Malik, Ld. Counsel for the applicant/accused Naveen
Sharma.

By filing present applicationm applicant/accused is seeking bail on the ground that applicant/accused is arrested on 07.01.2020 and since then is languishing in JC. Further, it is argued that the applicant/accused was running a Halwai Shop at M Block, Mangol Puri, Delhi and the said shop was the only source of income for the entire family. However, the wife of the applicant/accused was running the shop after the arrest of the applicant /accused but unfortunately a fire broke in the said shop on 31.03.2020 and the business got ruined and now they have no source of income.

Concerned IO/SHO filed report on the Whatsapp number of the Naib Court HC Baldev Singh i.e. 9953321121 which has been apprised to the Ld. Counsel for the applicant and taken for consideration.

During arguments it is contended on behalf of applicant/accused that the police has filed a false report and on being apprised/enquired about the guidelines and directions of High Power Committee of Hon'ble High Court of Delhi in which the offence U/s 376 & Section 6 of POCSO Act is not covered for emergency bail, then the Ld. Counsel for the applicant submitted that directions of High Power Committee is not passed on the judicial side.

The bail application is strongly opposed through telephonic hearing by Ld. Addl. PP for State through mobile phone of the Naib Court HC Baldev Singh i.e. 9953321121.

After taking into consideration the facts and circumstances of the case, I am of the considered view that since in the report of police, it is submitted

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that there is no damage of life and goods in the alleged burnt shop of the applicant which were minor in nature and moreover the contention of the Ld. Counsel for the applicant is not maintainable qua to the binding of the directions passed by the High Power Committee of Hon'ble High Court of Delhi in as much as the same has been constituted pursuant to the order/directions passed by Hon'ble Supreme Court of India in case *sue-motto* WP (C) No. 1/2020 in re-contagion of COVID-19 virus in prisoners and as per the directions of Hon'ble High Court of Delhi passed in WP (c) 2945/2020 in the matter Shubha Gupta Vs. Union of India & Ors. Vide order dated 23.03.2020

Since the applicant/accused Naveen Sharam is involved in the commission of alleged offence U/s 376 IPC in which the minimum punishment is prescribed upto ten years and may extend to imprisonment of life r/w Section 6 of POCSO Act and in view of the police report, the contentions of applicant is no bearing on merits as such I am not inclined to grant bail to the applicant/accused Naveen Sharma, hence application stands dismissed.

Naib Court HC Baldev Singh is directed to place the hard copy of the report of the IO/SHO on record. With these observations, the present application is disposed of. Copy of this order be sent to Jail Superintendent as well as one copy be sent to the concerned court for information and necessary action.

(Rakesh Kumar-IV)
Duty Judge
Officiating District Judge
North West, Rohini
Delhi/13.04.2020

Bail Application No. 1458/2020
State Vs. Hunny @ Hemant
FIR No. 426/19
PS Bharat Nagar
U/S 302/34 IPC & U/s 25/54/59 Arms Act

13.04.2020

In view of directions passed on 09.04.2020, Sh. Nishant Sharma, Ld. Counsel for applicant/accused Hunny @ Hemant is given the option for physical appearance in the court or address arguments telephonically or through Video Conferencing for which Ld. Counsel Sh. Nishant Sharma preferred to address arguments on telephone. Accordingly, arguments heard through mobile phone number of Naib Court HC Baldev Singh i.e. 9953321121.

Pr: Sh. Virender Kharta, Ld. Addl. PP for State.

Sh. Nishant Sharma, Advocate for applicant on call.

By filing the present application, applicant/accused Honey @ Hemant is seeking bail for eight weeks on the ground that earlier the applicant/accused was granted interim bail for two days from 15.03.2020 to 16.03.2020 and now it is come to the knowledge of the Ld. Counsel for the applicant/accused that applicant/accused Hunny @ Hemant is in custody in Rohini Jail where the fresh Under Trail Prisoners (UTPs) are being sent and whereas the symptoms of COVID-19 virus are only visible after 14-20 days, there is no facilities of mask and sanitizer etc. are available for UTPs including applicant.

On the other hand, contrary report has been filed on behalf of the Jail Superintendent in which it has been submitted that the newly inmates who have been admitted in the Jail till 07.04.2020 are being screened and isolated in different barracks and since 08.04.2020 they

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are being admitted in only Central Jail No. 02, Tihar and Central Jail No. 13, Mandoli, as per the direction of Competent Authority, Prison Head Quarter, Tihar, New Delhi.

The bail application is strongly opposed by Ld. Addl. PP for State through phone of the Naib Court HC Baldev Singh i.e. 9953321121.

After considering the guidelines of High Power Committee of Hon'ble High Court , first of all the applicant/accused does not fall in the category of the emergency bail as punishment is prescribed in the present case is upto life or death penalty. Moreover, in view of the report of Jail Superintendent, the contention of the applicant have no bearing on merits as such, I am not inclined to grant bail to the applicant/accused Hunny @ Hemant, hence the present bail application stands dismissed.

With these observations, the present application is disposed of. Copy of this order be sent to Jail Superintendent as well as one copy be sent to the concerned court for information and necessary action.

(Rakesh Kumar-IV)
Duty Judge
Officiating District Judge
North West, Rohini
Delhi/13.04.2020

State Vs. Dilip Kumar
FIR No. 385/18
PS Begum Pur
U/S 498A/306/34 IPC

13.04.2020

Pr: Sh. Virender Kharta, Ld. Addl. PP for the State.

Sh. Ashish Dahiya, Ld. LAC for the applicant/accused.

This is an application for interim bail moved on behalf of the applicant/accused Dalip Kumar on the ground that the applicant/accused is below the age of 60 years and is languishing in JC more than one year as such in view of the directions of High Power Committee of Hon'ble High Court of Delhi held on 28.03.2020 and 07.04.2020, It is further contended that the present application falls under the consideration zone of UTPs required to be released on interim bail for 45 days.

The concerned case record/reply to the application could not be called in view of the **closure of the court** due to outbreak of COVID-19 Pandemic.

Heard.

In view of directions of Hon'ble Supreme Court of India passed in *sue-motto* WP (C) No. 1/2020 in re-contagion of COVID-19 virus in prisoners and that of the directions of Hon'ble High Court of Delhi passed in WP (c) 2945/2020 in the matter Shubha Gupta Vs. Union of India & Ors. Vide order dated 23.03.2020, since the applicant/accused Dilip Kumar is involved in the commission of alleged offence U/s 498A IPC in which the maximum punishment is three years or fine and U/s 306 IPC in which the maximum punishment is provided ten years and also fine and the applicant/accused Dilip Kumar is languishing in judicial custody more than one year, further the applicant is the first

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offender, hence, the applicant/accused Dilip Kumar is admitted to interim bail for 45 days from today, subject to furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of concerned Jail Superintendent.

It is clarified that present interim bail order is being passed without going into merits of the case but in view of exigency as mentioned above and any expression shall not be have any effect on the merits of the case.

With these observations, the present application is disposed of. Copy of this order be sent to Jail Superintendent as well as one copy be sent to the concerned court for onward transmission , information and necessary action.

(Rakesh Kumar-IV)
Duty Judge
Officiating District Judge
North West, Rohini
Delhi/13.04.2020

State Vs. Sidhant S/o Ravi Kumar
FIR No. 146/18
PS Rani Bagh
U/S 354D/506/175 IPC & 67A I.T. Act

13.04.2020

Pr: Sh. Virender Kharta, Ld. Addl. PP for the State.

Sh. Ashish Dahiya, Ld. LAC for the applicant/accused.

This is an application for interim bail moved on behalf of the applicant/accused Sidhant S/o Ravi Kumar on the ground that the applicant/accused has been arrested on 20.03.2020 and charge sheet has not been filed yet as such in view of the directions of High Power Committee of Hon'ble High Court of Delhi held on 28.03.2020 and 07.04.2020, It is further contended that the present application falls under the consideration zone of UTPs required to be released on interim bail for 45 days.

The concerned case record/reply to the application could not be called in view of the **closure of the court** due to outbreak of COVID-19 Pandemic.

Heard.

In view of directions of Hon'ble Supreme Court of India passed in *sue-motto* WP (C) No. 1/2020 in re-contagion of COVID-19 virus in prisoners and that of the directions of Hon'ble High Court of Delhi passed in WP (c) 2945/2020 in the matter Shubha Gupta Vs. Union of India & Ors. Vide order dated 23.03.2020, since the applicant/accused Sidhant S/o Ravi Kumar is involved in the commission of alleged offence U/s 354D IPC in which the maximum punishment is three years for first offence and five years for second offence, U/s 506 IPC the maximum punishment is provided two years/seven years and U/s 67A of I.T. Act

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in which the maximum punishment is provided five years for first offence with fine/seven years for second offence with fine, hence, the applicant/accused Sidhant S/o Ravi Kumar is admitted to interim bail for 45 days from today, subject to furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of concerned Jail Superintendent.

It is clarified that present interim bail order is being passed without going into merits of the case but in view of exigency as mentioned above and any expression shall not be have any effect on the merits of the case.

With these observations, the present application is disposed of. Copy of this order be sent to Jail Superintendent as well as one copy be sent to the concerned court for onward transmission , information and necessary action.

(Rakesh Kumar-IV)
Duty Judge
Officiating District Judge
North West, Rohini
Delhi/13.04.2020

State Vs. Rajesh S/o Heera Lal
FIR No. 87/2020
PS Rani Bagh
U/S 354D/354 IPC & 12 POCSO Act

13.04.2020

Pr: Sh. Virender Kharta, Ld. Addl. PP for the State.

Sh. Ashish Dahiya, Ld. LAC for the applicant/accused.

This is an application for interim bail moved on behalf of the applicant/accused Rajesh S/o Heera Lal on the ground that the applicant/accused has been arrested on 09.03.2020 and charge sheet has not been filed yet as such in view of the directions of High Power Committee of Hon'ble High Court of Delhi held on 28.03.2020 and 07.04.2020, it is further contended that the present application falls under the consideration zone of UTPs required to be released on interim bail for 45 days.

The concerned case record/reply to the application could not be called in view of the **closure of the court** due to outbreak of COVID-19 Pandemic.

Heard.

In view of directions of Hon'ble Supreme Court of India passed in *sue-motto* WP (C) No. 1/2020 in re-contagion of COVID-19 virus in prisoners and that of the directions of Hon'ble High Court of Delhi passed in WP (c) 2945/2020 in the matter Shubha Gupta Vs. Union of India & Ors. Vide order dated 23.03.2020, since the applicant/accused Rajesh S/o Heera Lal is involved in the commission of alleged offence U/s 354D IPC in which the maximum punishment is three years for first offence and five years for second offence, U/s 354 IPC in which maximum punishment is provided five years and 12 POCSO Act in which the

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maximum punishment is provided three years, hence, the applicant/accused Rajesh S/o Heera Lal is admitted to interim bail for 45 days from today, subject to furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of concerned Jail Superintendent.

It is clarified that present interim bail order is being passed without going into merits of the case but in view of exigency as mentioned above and any expression shall not be have any effect on the merits of the case.

With these observations, the present application is disposed of. Copy of this order be sent to Jail Superintendent as well as one copy be sent to the concerned court for onward transmission , information and necessary action.

(Rakesh Kumar-IV)
Duty Judge
Officiating District Judge
North West, Rohini
Delhi/13.04.2020