

**PROCEEDINGS CONDUCTED THROUGH VIDEO CONFERENCING ON  
CISCO WEBEX**

State vs Mohd. Abbas@Kasif

FIR No.: 90/2021

U/S 307/34/195/182/120B IPC & 25/27 Arms Act

PS. Kalyanpuri

**19.04.21**

Present: Ld. APP, Sh. Deepak Kumar for the State  
Ld. Counsel for the accused Mr. Akhtar Shamim  
IO Sh. Virender Singh

The present (first) bail application has been moved on behalf of the accused U/s 437 CrPC seeking release on account of accused himself being victim/injured in the case. It is further submitted that offence U/s 307 IPC is not made out against him and nothing needs to be recovered from him. Accused is in custody since a considerable period (11.04.21) and therefore, it is prayed that he be released on bail.

Reply of the IO is on record wherein he has opposed the bail on the ground that accused, in conspiracy with others, manifested an attack on himself since he had taken money from several persons and could not return the money. Co-accused Juber, who allegedly fired the shot, has been arrested and offending weapon i.e. one pistol and live cartridge have been recovered. Co-accused persons (Juber and Rashid) were allegedly promised money in return by the accused.

Ld. APP has opposed the bail application in support of the reply of the IO. The allegations are serious in nature. Investigation is at a preliminary stage. The accused, though injured, is *prima facie* involved in a serious offence. As per the submissions made by the Ld. APP, physical custody of the accused is required for sustained interrogation to track the call details made to co-accused persons along with the money trail. Further, there is likelihood that the accused may influence witnesses/tamper evidence if enlarged on bail.

Arguments heard. Record perused. The allegations are serious in nature. It is pertinent to bear in mind that offence U/s 307 IPC is exclusively triable by Ld. Court of Sessions. It is settled principle that MMs ought not to indulge bail applications in such offences *“unless the court is fully satisfied that there is no reasonable ground for believing that the accused has been guilty of an offence punishable with death or imprisonment for life.”*

In view of the aforementioned reasons, it cannot be said that no such reasonable ground is made out. Therefore, the application is dismissed. Order is digitally signed by me.

Copy of this order be sent electronically to the Id. Counsel for the applicant, the Jail Supptt and the IO/SHO.

Record of this order along with the bail application and related documents be tagged with the file.

**AISHWARYA  
SINGH KASHYAP**

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AISHWARYA SINGH  
KASHYAP  
Date: 2021.04.19 16:52:05  
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**(Aishwarya Singh Kashyap)**

**LCMM(East)KKD Courts  
19.04.2021**

**PROCEEDINGS CONDUCTED THROUGH VIDEO CONFERENCING ON  
CISCO WEBEX**

State vs Avinash Pahwal

FIR No.: 494/2020

U/S 279/337/304A IPC

PS. Kalyanpuri

**19.04.21**

Present: Ld. APP, Sh. Deepak Kumar for the State

Ld. Counsels for the accused, Ms. Sayma Feroz, Mr. Aneesh Rana and  
Mr. Abdul Gafar.

The present bail application U/s 436 CrPC has been moved on behalf of the accused on the ground that offences are bailable (Section 337 was converted to 304-A upon death of victim). Erstwhile anticipatory bail application was dismissed as withdrawn before the Ld. Session Court. Reply of IO on record stating that offending vehicle has not been produced by the applicant and upon doing so, accused will be granted police bail.

Admittedly, the accused is *not* in custody therefore, the present bail application is not maintainable. In view thereof, the application is disposed of being infructuous.

Order is digitally signed by me. Copy of this order be sent electronically to the Id. Counsel for the applicant and the IO/SHO.

Record of this order along with the bail application and related documents be tagged with the file.

AISHWARYA  
SINGH KASHYAP

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AISHWARYA SINGH KASHYAP  
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**(Aishwarya Singh Kashyap)**

**LCMM(East)KKD Courts**

**19.04.2021**

**PROCEEDINGS CONDUCTED THROUGH VIDEO CONFERENCING ON  
CISCO WEBEX**

State vs Jayoti

FIR No.: 140/2021

U/S 33 Delhi Excise Act

PS. Kalyanpuri

**19.04.21**

Present: Ld. APP, Sh. Deepak Kumar for the State  
Ld. Counsel for the accused, Mr Mukesh Kumar  
HC Avdhesh

The present bail application U/s 437 CrPC has been moved on behalf of the accused on the ground that accused has been in custody since 14.04.21 and has been falsely implicated in the matter. Her custodial interrogation is not required in the case; she has no prior involvements and she has two small children to tend to therefore, it is requested that she be released on bail.

Reply of IO on record stating that 82 quarters of country made liquor have been recovered from the accused. The IO has opposed the bail application on the ground that there is likelihood of repeating the offence. Ld. APP has also opposed the bail on the same ground. The accused is not found to have any previous involvements.

I have heard the arguments and perused the record. The case property/illicit liquor is already stated to have been recovered and custody is not required for investigation. No previous involvements have been attributed to the accused. No fruitful purpose will be served by keeping her further in custody. Further, in view of the rising cases of Covid-19 pandemic, no pressing grounds are made out for prolonging the detention of the accused.

Keeping in view the facts and circumstances, bail application is allowed and accused is admitted to bail on furnishing bail bond in the sum of Rs 10,000/- with one surety of like amount.

Accordingly, the accused is granted bail subject to the following conditions, to the satisfaction of the Id. court/Id. Duty MM:

- She shall make herself present for interrogation as and when required by the IO.
- She shall furnish her contact details to the IO along with permanent address for verification.
- She shall furnish personal bond of INR 10,000 along with (local) surety of like amount.

Order is digitally signed by me. Copy of the order be sent electronically to to the Id. Counsel for the applicant, the Jail Supptt and the IO/SHO.

Record of this order along with the bail application and related documents be tagged with the file.

AISHWARYA  
SINGH  
KASHYAP

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AISHWARYA SINGH  
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**(Aishwarya Singh Kashyap)**

**LCMM(East)KKD Courts**

**19.04.2021**