

FIR No.416/19
State vs Rafikul Malik @ Babu
U/s 20 NDPS Act
PS G.Pur

23.06.2020

Present bail application is taken up for hearing through video conferencing (Cisco Webex).

Present. Sh. I.U.H. Siddique, Ld. Addl. PP for the State.

Sh. S.N. Qureshi, Ld. Counsel for applicant/accused.

Arguments heard.

It is submitted that the peripheral wall of house of the applicant has been destroyed due to 'Amphan' cyclone and same is required to be rebuilt. Widow mother of the applicant is aged about 71 years and his wife along with two small children are residing with his widow mother and they are not in a position to get the peripheral wall rebuilt. It is also submitted that applicant is in custody since 19.07.2019, the date of his arrest and his family is on the verge of starvation due to ongoing lock down. It is also submitted that presence/applicant is required to make necessary arrangement for rebuilding of peripheral wall of his house. Thus, it is prayed that accused may be granted interim bail for a period of four weeks so that he may get the peripheral wall of his house rebuilt.


Ld. Addl. PP opposed the bail application on the ground that 85 kgs ganja was recovered from the jhuggi of applicant; he is the BC of the area and if he is released on interim bail, he may jump the bail and will commit similar kind of offence. Hence, bail application of the applicant/accused may be rejected.



Fresh report along with photographs is received.

From the report and photographs, it appears that the peripheral wall of the house of the accused/applicant has been damaged.

Keeping in view of the facts and circumstances, applicant/accused is admitted to interim bail for a period of three weeks on his furnishing PB/SB in the sum of Rs.50,000/- to the satisfaction of Ld.CMM/ACMM/MM/Link MM/DMM. Applicant is burdened with the condition that he will not go anywhere else except at his given address of West Bengal for the purpose of rebuilding of damaged peripheral wall of his house and that he will not indulge himself in any offence and that he will surrender before the concerned Jail Superintendent on completion of the interim bail period. Bail application is disposed of accordingly. A copy of this order be sent to the jail Superintendent for information.


(AJAY GUPTA)
Special Judge/NDPS Act
KKD/East/23.06.2020

SC No.2685/18
FIR No.232/18
State vs Murari
U/s 395/397/412/34/120B IPC
PS Pandav Nagar

23.06.2020

As per order No.39/D&SJ (East)/KKD/Delhi dated 15.06.2020, present bail application is taken up for hearing through video conferencing (Cisco Webex).

Present. Sh. I.U.H. Siddique, Ld. Addl. PP for the State.

Sh. Ajay Chaudhary, Ld. Counsel for applicant/accused Murari.

This is an application u/s 439 Cr.P.C filed on behalf of the applicant for grant of regular bail. However, vide order dated 11.06.2020, on the request of Ld. Counsel, the present application was treated as an application for interim bail as per the Minutes of the meeting of Hon'ble High Court.

Arguments heard. During the course of arguments, Ld. Counsel submits that the allegations against the applicant are false and baseless. He has not committed any offence. He has been falsely implicated in this case. It is further argued that the applicant is in JC for last about two years. He is not involved in any other case. Co-accused Istiyak has already been granted regular bail. The case is at the stage of evidence but the evidence is not being recorded due to covid-19 pandemic and that it will take long time to conclude the evidence. He is languishing in jail since 23.07.2018. Request has been made for grant of interim bail for 45 days to the applicant.



Ld. Addl.PP has opposed the bail application arguing that the allegations against the applicant are grave and serious in nature.

The Hon'ble High Power Committee in its meeting dated 18.05.2020 has observed that the accused falling in following categories can be considered for interim bail for 45 days.

- (i) Under trial prisoners (UTPs) facing trial for a case u/s 302 IPC and are in jail for more than two years with no involvement in any other case.
- (ii) Under trial prisoners (UTPs) facing trial for offence u/s 304 IPC and are in jail for more than one year with no involvement in any other case.
- (iii) Under trial prisoners (UTPs) facing trial in a case u/s 307 or 308 IPC and are in jail for more than six months with no involvement in any other case.
- (iv) Under trial prisoners (UTPs) facing trial/remand prisoners in theft cases and are in jail for more than 15 days.
- (v) Male under trial prisoners (above 65 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case.
- (vi) Female under trial prisoners (above 60 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case.

Reply to the bail application received.

As per report, there is no previous involvement of accused/applicant.

Conduct report of the applicant/accused is also received from the concerned Jail Superintendent and as per report, conduct of the accused/applicant is found to be satisfactory.



Applicant is involved in the offence u/s 395/397/412/34/120B IPC which is punishable upto Life Imprisonment. Applicant is lodged in jail in this case for last about two years. As per reply submitted by IO, applicant has no previous involvement. In view of the above resolution passed by the Hon'ble High Power Committee and since the applicant is languishing in jail for about two years with no involvement in any other case, this court deem it appropriate to release the applicant on interim bail. Thus, applicant/accused is admitted to interim bail for a period of 45 days (forty five days) on his furnishing a personal bond in the sum of Rs.20,000/- to the satisfaction of Ld. MM/Duty MM/Link MM within a week and alternatively, if he is unable to furnish the surety, he may furnish personal bond to the satisfaction of Jail Superintendent concerned. The interim bail period shall be counted from the day of release of the applicant from the jail. Applicant is directed to surrender before the Jail Superintendent on completion of the interim bail period. It is directed that the applicant shall not leave the territory of Delhi, NCR without the permission of IO. Application stands disposed off accordingly.

Copy of this order be sent to the jail Superintendent for information.


(AJAY GUPTA)
ASJ-2KKD/East/23.06.2020

FIR No.30/19
State vs Sunil Tanar @ Sunil Kumar
U/s 307/34 IPC & 25/27 of Arms Act
PS Laxmi Nagar

23.06.2020

As per order No.39/D&SJ (East)/KKD/Delhi dated 15.06.2020,
present bail application is taken up for hearing through video conferencing
(Cisco Webex).

Present. Sh. I.U.H. Siddique, Ld. Addl. PP for the State.


Sh. Mohit Dwivedi, Ld. Counsel for complainant.

Sh. Love Dixit, Ld. Counsel for applicant/accused.

Fresh vakalatnama on behalf of complainant received.

Arguments heard.

Put up for order on 25.06.2020.


(AJAY GUPTA)
ASJ-2KKD/East/23.06.2020

FIR No.108/19
State vs Jiauddin
U/s 307/34 IPC
PS Geeta Colony

23.06.2020

As per order No.39/D&SJ (East)/KKD/Delhi dated 15.06.2020, present bail application is taken up for hearing through video conferencing (Cisco Webex).

Present. Sh. I.U.H. Siddique, Ld. Addl. PP for the State.


Sh. Hemant Chaudhary, Ld. Counsel for applicant/accused.

IO report regarding previous involvement of accused/applicant is received.

Conduct report of the accused/applicant not received.


Let conduct report be called from the concerned Jail Superintendent for the next date.

At request of Ld. Counsel for applicant/accused, bail application be taken up on 25.06.2020.


(AJAY GUPTA)
ASJ-2/KKD/East/23.06.2020

At 12.10 pm

At this stage, Reader of this court submits that now conduct report of the applicant/accused is received. Same be taken up with bail application on the date fixed.


(AJAY GUPTA)
ASJ-2/KKD/East/23.06.2020