

State vs. Sunder
FIR No. 34/20
P.S. Mayur Vihar
U/s 308/34 IPC

23.06.2020

This application is taken up from video conferencing via Cisco Webex meeting.

Present: Sh. Sanjay Kumar, Ld. Addl. P. P. for the State through video conferencing.
Sh. Brij Pal, Ld. Counsel for the applicant/accused through video conferencing.

This is an application u/s 439 Cr.P.C. moved on behalf of applicant/accused for grant of regular bail.

It is argued by the Ld. Counsel that the applicant/accused is in J/C since 18.06.2020. He further argued submits that it was a quarrel between the family ladies and the applicant/accused has been falsely implicated in this case. He further argued that as per FIR, co-accused Devender had hit victim Sonu on his head with a *danda* whereas applicant/accused had only caught hold the hand of the victim and co-accused Devender has already been granted bail hence he is entitle to bail on the grond of parity

On the other hand, Ld. Addl. P.P. for the State submits that the applicant/accused alongwith co-accused has caused injuries on the vital parts i.e. head and other body parts of the victim due to which he became unconscious and thus applicant/accused has committed the offence which is an offence of attempt to culpable homicide not amount to murder,

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therefore, considering gravity of offence applicant/accused is not entitled for bail.

I have considered the submissions and gone through the record. Admittedly victims Sonu and Munesh already been discharged from the hospital and further according to FIR co-accused Devnder has hit the victim with a danda on his head whereas applicant/ accused just caught hold the hand of victim Sonu and further co-accused Devnder also hit Munesh when she came to save Sonu her son in law, hence co-accused Devender, is the main accused who has already been granted bail, Hence considering the above facts and circumstances in my view it is a fit case for grant of bail hence I allow the application and order to release the accused on bail on furnishing of a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand) with one surety of like amount to the satisfaction of concerned Ld. MM/Duty MM/Link MM.

All discussions in this order have solely been done for the purpose of the determination of the application under consideration and no part of this order shall be construed as a final expression of opinion on the merits of the *lis* pending or any matter incidental or ancillary thereto.

Application stands disposed off and be consigned to Record Room.


(SANJEEV KUMAR-1)
ASJ (SFJC), East, KKD

State vs. Vijay Kumar @ Munna
FIR No. 417/17
P.S. Gazipur
U/s 302 IPC

23.06.2020

This application is taken up from video conferencing via Cisco Webex meeting.

Present: Sh. Sanjay Kumar, Ld. Addl. P. P. for the State through video conferencing.
Sh. Dinesh Yaduvanshi, Ld. Counsel for the applicant/accused from DLSA through video conferencing.

This is an application u/s 439 Cr.P.C. moved on behalf of applicant/accused for grant of interim bail.

It is submitted by the Ld. Counsel for the applicant/accused that he is in J/C since 23.11.2017. He further submits that as per guidelines issued by High Power Committee constituted by Hon'ble High Court of Delhi, bail application of a accused person can be considered if he remained in the custody for more than two years and since the applicant/accused is in custody for more than two years, therefore, he is entitled for bail.

On the other hand, Ld. Addl. P.P. for the State submits that the applicant/accused and wife of the victim has illicit relations and due to which the applicant/accused had committed murder of the victim, therefore, there is grave allegations of murder against the applicant/accused and he should not be enlarged on bail as he may jump the bail or may threaten the witnesses.

I have considered the submissions.

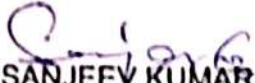
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As per reply received from the IO, it is not clear whether the applicant/accused has any other case outside Delhi, therefore, IO is directed to file parcha 12 report and he is further directed to verify whether the applicant/accused has permanent residence and whether same has been verified or not.

Application is adjourned for 27.06.2020.


(SANJEEV KUMAR-I)
ASJ (SRTC), East, KKD
Courts, Delhi/23.06.2020

Mobin Vs. State
FIR No. 310/20
PS : Mayur Vihar
U/s : 394/34 IPC

Pursuant to Order No. 3392-3412/Judl.Br./East/KKD dated 16.05.2020, the present matter has been taken up by the undersigned. The proceedings have been conducted through VC (Video Conferencing) by using the App Cisco Webex.

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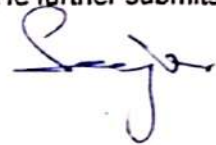
Present : Sh. Sanjay Kumar, Ld. Addl. PP for State through video conferencing.
Sh. V.C. Gautam, Ld. Counsel for the applicant / accused through video conferencing.

This is an application for grant of anticipatory bail under Section 438 Cr.PC.

Arguments heard.

It is submitted by Ld. Counsel for the applicant / accused that as per the FIR, on 13.6.2020 at about 9.30 pm, when the complainant was standing at his Nariyal shop, two persons came on scooty bearing registration No. DL6S 2092 and one person who was the pillion rider hit the complainant with a sharp weapon on his cheek and snatched Rs. 6160/- forcibly from his hand which he has earned after selling coconuts and ran away.

He submits that the said complaint is a false complaint as the complainant and the applicant / accused were known to each other and even applicant / accused's wife has lodged a complaint dated 13.11.2019 against the complainant for extending threat to implead in false case with collusion of police. He further submits that the applicant


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/ accused was at the relevant time at his house which is evident from the photographs placed on record. He also submits that the complainant Salim is also the bad character (bc) of the area therefore, in these circumstances, the applicant / accused may be granted anticipatory bail as he apprehended that the police might arrest him in this false case.

On the other hand, Ld. Addl. PP for State submits that on 13.6.2020, as mentioned in the FIR, the applicant / accused along with his co-accused came on scooty bearing registration No. DL6S 2092 and the pillion rider attacked on the cheek of the complainant with sharp weapon and the complainant was well known to the scooty driver Mobin and on the complaint of the complainant Salim, present case was registered. He further submits that on the same day i.e. 13.6.2020, a PCR call was made vide DD No. 84A but the statement of the complainant could not be recorded as he was not in a position to give statement. He further submits that the applicant / accused is a bad character of PS Mayur Vihar and a habitual offender. He further submits that merely because the complainant is of the bad character, does not give any right to the applicant / accused to commit robbery with him. He further submits that the custodial interrogation of the applicant / accused is required to apprehend the other accused and recover the weapon and looted money.

I have considered the submissions and have gone through the file. Considering fact that the applicant / accused has come on scooty with his associate on his scooty i.e. the pillion rider who attacked on the cheek of the complainant and snatched Rs. 6160/- and

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also the fact that the applicant / accused is also involved in 15 other cases which also included two other cases of robbery, I am not inclined to give anticipatory bail to the accused. Hence, the present bail application is dismissed. File be consigned to record room.


SANJEEV KUMAR-I
ASJ/SFTC/EAST
KKD/DELHI.

State Vs. Anmol Aggarwal
FIR No. 260/2020
PS : Gandhi Nagar
U/s : 308/34 IPC

Pursuant to Order No. 3392-3412/Judl.Br./East/KKD dated 16.05.2020, the present matter has been taken up by the undersigned. The proceedings have been conducted through VC (Video Conferencing) by using the App Cisco Webex.

23.06.2020

Present : Sh. Sanjay Kumar, Ld. Addl. PP for State through video conferencing.
Sh. Shailender Sharma, Ld. Counsel for the applicant / accused through video conferencing.


This is an application for grant of bail.

Reply received from the IO.

As per the reply, the injured Sonu has been discharged from the hospital.

Arguments heard.

It is argued by Ld. Counsel for the applicant / accused that the applicant / accused is in JC since 14.6.2020. He further submits that on 12.06.20 a quarrel took place as the complainant and his associates had made some remarks against the fiancée of the applicant/accuse and when applicant/ object to the same he ws beaten by complainant and his associates. Applicant/ accused made call to the police and he was taken to the hospital and on his complaint FIR 259/20 was lodged against complainant and his associates. He further submits that as a oounter blast a cross FIR i.e present case FIR has been registered by the complainant and He further submits that the


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considering the gravity of offence that the applicant / accused has attempted to commit an offence of homicide which amounts to murder therefore, he should not be granted bail.

I have considered the submissions and have gone through the file.

Considering the facts and circumstances that the applicant / accused and complainant are indulged in a quarrel in which cross FIRs have been registered against each other and further, since the injured has received only simple blunt injury and has been discharged from the hospital, I allow the application and order to release the applicant / accused on bail on furnishing of personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the concerned MM / Link MM / Duty MM.

Copy of this order be sent to concerned MM / Link MM / Duty MM.

File be consigned to record room.


SANJEEV KUMAR-I
ASJ/SFTC/EAST
KKD/DÉLHI.

State vs. Kamal
FIR No. 486/13
P.S. Mandawali
U/s 302 IPC

23.06.2020

This application is taken up from video conferencing via Cisco Webex meeting.

Present: Sh. Sanjay Kumar, Ld. Addl. P. P. for the State through video conferencing.
Sh. Dinesh Yaduvanshi, Ld. Counsel for the applicant/accused from DLSA through video conferencing.

This is an application u/s 439 Cr.P.C. moved on behalf of applicant/accused for grant of interim bail.

It is submitted by the Ld. Counsel for the applicant/accused that he is in J/C since 14.06.2018. He further submits that as per guidelines issued by High Power Committee constituted by Hon'ble High Court of Delhi, bail application of a accused person can be considered if he remained in the custody for more than two years and since the applicant/accused is in custody for more than two years, therefore, he is entitled for bail.

On the other hand, Ld. Addl. P.P. for the State submits that the applicant/accused alongwith his associates has hatched conspiracy to commit murder of complainant's husband namely Yogesh Chaudhary. He further submits that co-accused was granted interim bail for treatment of his nani but the complainant has moved an application that some unknown persons were visiting in her vicinity, where they have attempted to get scared the complainant. He further submits that if applicant/accused is

https://docs.google.com/document/d/1p0OrV_YwB2WG1P1UJCDGkzP7cSA1a9gMEZptzaokU/edit

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released on bail, he may also threaten the complainant and the witnesses. He further submits that as per reply filed by the IO, the applicant/accused has previous involvement and he did not fulfill the criteria for interim bail. However, he submits that IO has not sent the details of the cases in which the applicant/accused is previously involved.

Considering the aforesaid facts, let the IO to file the status report of the criminal cases in which the applicant/accused is involved previously.

Application is adjourned for 26.06.2020.


(SANJEEV KUMAR-I)
ASJ (SFTC), East, KKD
Courts, Delhi/23.06.2020