

Bail Application No.1664/20

State Vs. Amit Kumar

FIR No.343/20

U/s. 308 IPC

PS : Kishangarh

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : None for applicant/accused either in person or through Video Conferencing.

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video Conferencing).

IO/SI L. Kipgen (through Video Conferencing).

E-reply of IO/SI L. Kipgen has already been filed.

Heard. Perused.

Since Ld. Counsel for applicant is not present, therefore the bail application is adjourned for hearing on **24.08.2020**.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)

**Roster Judge/ASJ-01/Special Court
POCSO/ NDD/PHC/ND/20.08.2020/D**

Bail Application No.1058/2020
State Vs. Abhishek Dwivedi
FIR No. 83/2020
U/s. 170/419/420 IPC
PS : Crime Branch

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Gaurav Dalal, Ld. Counsel for applicant/ accused (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).
IO/SI Sanjay Kumar Gupta from P.S. Crime Branch.

E-reply of I.O. has been filed.

At the request of Ld. Counsel for the applicant, e-copy of reply of I.O be supplied to him.

Ld. Counsel for applicant has submitted that he shall address the arguments after going through the e-reply.

Re-notify on 24.08.2020.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court POCSO
NDD/PHC/ND/20.08.2020/A

Bail Application No.1669/2020
State Vs. Kartik
FIR No. 345/2020
U/s. 323/451/392/506/34/120 IPC & 25/27/54/59 Arms Act
PS : Vasant Kunj North

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Diwas Kumar and Sh. Sagar Sharma, Ld. Counsels for applicant/
accused (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/SI Dharmendra from P.S. Vasant Kunj North (through Video conferencing).

E-reply of the IO has been filed.

Heard. Perused.

It is brought to my notice by the I.O. that judicial TIP of three co-accused persons is fixed for 21.08.2020.

Ld. Addl. PP for the State has submitted that there are some contradictions in the reply of the I.O. and I.O. may be directed to appear in person on the next date of hearing with police file. Ordered accordingly.

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I.O. is directed to file further report qua detailed up to date investigation and admissible material against the applicant, on the next date of hearing.

Re-notify on **01.09.2020**.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court POCSO
NDD/PHC/ND/20.08.2020/A

Bail Application No.1662/2020
State Vs. Mukesh Tokas
FIR No. 0359/2020
U/s. 376/506 IPC
PS : Kishan Garh

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Dharmender Arya, Ld. Counsel for applicant/ accused Mukesh Tokas (through Video conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video conferencing).

IO/WSI Brahma Devi (through Video conferencing).

Further e-reply of the IO alongwith service report on notice as per Annexure 'A' to prosecutrix, have been filed by the I.O.

Heard. Perused.

While refuting the allegations leveled, Ld. Counsel for the applicant has submitted that the prosecutrix was residing in the neighbouring tenanted premises of the applicant in his village and that no promise to marriage with prosecutrix was made by the applicant. He has further submitted that there are catena of judgments of Hon'ble High Court of Delhi to the effect that promise to marriage, is a disputed question of fact and in large number of such matters U/s 376 IPC, anticipatory bail

Contd.....2

have been granted. He has further submitted that the prosecutrix had refused her medical examination and hence there is no corroboratory medical evidence qua the allegation of rape. He has also submitted that the prosecutrix in her statement U/s 164 Cr.P.C. has not alleged that the applicant had raped her but has rather stated that she does not want any action against the applicant.

Ld. Addl. PP for the State has opposed the bail application on the ground of the nature and gravity of the offence. While admitting that one or two allegations made in the FIR, were not reiterated by the prosecutrix in her statement U/s 164 Cr.P.C, he has stated that in the statement U/s 164 Cr.P.C. also, the prosecutrix has claimed that the applicant had promised to marry her and had misrepresented himself to be a widower.

The last allegation of rape is of 01.08.2020. On 11.08.2020 the prosecutrix made the complaint and FIR was registered but she refused her medical examination. Thus there is no corroborative medical material qua her allegation of rape. The denial of promise to marry, by Ld. Counsel for applicant, makes the allegation of the prosecutrix on that point, disputed question of fact, which can only be decided by means of evidence. The applicant is in custody since 11.08.2020. The prosecutrix herself has stated in her statement U/s 164 Cr.P.C. that she does not want any action against the applicant. To my specific query, IO has admitted that the investigation qua applicant is complete. Considering these facts and circumstances, the applicant is ordered to be released on bail on his furnishing personal bond in the sum of Rs. 35,000/- with **one** surety in the like amount to the satisfaction of the concerned Ld. MM/Duty MM/Link MM. However, applicant is directed not to try to influence or pressurize the prosecutrix and other material witnesses and not to temper with evidence and in case it is prima facie brought to the notice of the Court

that the applicant is violating the said terms, his bail will be liable to be canceled.

The bail application is accordingly disposed of. Dasti to all concerned.

E-copy of this order be sent to Ld. MM/Duty MM/Link MM as well as to applicant through concerned Jail Superintendent for information.

Bail application file be consigned to record room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)
Roster Judge
ASJ-01/Special Court POCSO
NDD/PHC/ND/20.08.2020/A

Bail Application No.1560/20

State Vs. Sandeep

FIR No.92/20

U/s. 179/419/420 IPC

PS : Crime Branch

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Roopansh Purohit, Ld. Counsel for applicant/accused (through Video Conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video Conferencing).

E-reply of IO has already been filed.

Arguments heard.

Order on the bail application has been dictated to the Stenographer but the same is yet to be typed, checked and signed. Hence order is not pronounced today.

Re-notify for pronouncement of order on the bail application on

21.08.2020.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)

**Roster Judge/ASJ-01/Special Court
POCSO/ NDD/PHC/ND/20.08.2020/D**

Bail Application No.1028/20
State Vs. Raghav Gautam
DD No.36 dated 11.08.2020
PS : North Avenue

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Nihit Dalmia, Ld. Counsel for applicant Raghav Gautam (through Video Conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video Conferencing).

E-reply of SI Vijay Pal of PS North Avenue, New Delhi has already been filed.

Heard. Perused.

Ld. Counsel for applicant has submitted that although no FIR has been registered but since the DD No.36 dated 11.08.2020 has been recorded at PS North Avenue against the applicant, therefore there is reasonable apprehension that a case u/s 295A IPC is likely to be registered and the applicant will be arrested. On merits, he has submitted that the applicant had no intention of hurting the sentiments of the Sikh community and the comments posted by him in his Facebook account were deleted within 15 minutes and in the comments section, he had apologised to his Facebook friend Sh. Gurpreet Singh (a Sikh). He has further submitted that no

offence u/s 295A IPC is made out and in any case, Section 295A is punishable with imprisonment of three years or with fine or both. He has further submitted that the applicant is a young man and no useful purpose would be served by his arrest and has accordingly prayed for grant of anticipatory bail.

Per contra Ld. Addl. PP has strongly opposed the submissions of Ld. Counsel for applicant on the ground that since no FIR has been registered, therefore the present anticipatory bail application is not maintainable. On merits he has submitted that the comments of the applicant on his Facebook account have caused hurt to the sentiments of Sikh community, were deliberately and maliciously made to outrage their religious feelings and beliefs and have caused sense of apprehension in that community.

Prima facie I find force in the submissions of the Ld. Addl. PP for State. First of all, FIR in the matter has not been registered and matter is merely being enquired and thus there is no reasonable apprehension of imminent arrest of applicant. If for arguments sake it is assumed that the offence u/s 295A IPC will be registered shortly and the applicant can be arrested, then posting of comments "*Hari Mandir became Harminder Sahib # Mandir wahi Banayenge*" and "*Golden Temple is next Mandir Wahi Banayenge*", which were seen by other people (including people from Sikh community) on Facebook, prima facie appears to be deliberate and malicious act intended to outrage their religious feelings and beliefs and to cause sense of apprehension in their minds. Merely because the applicant had deleted the said post within 15 minutes as claimed by him, the same does not lessen the nature & gravity of his act.

Considering the totality of aforesaid facts and circumstances, I am of the considered opinion that this is not a fit case to grant anticipatory bail to the applicant.

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Accordingly application is dismissed and disposed of. Dasti to all concerned.

Bail application file be consigned to the Record Room.

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)

**Roster Judge/ASJ-01/Special Court
POCSO/ NDD/PHC/ND/20.08.2020/D**

Bail Application No.1665/20
State Vs. Ramesh Kumar Gami
FIR No.88/20
U/s. 406/420/120B IPC
PS : EOW

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Abhishek Vikram, Ld. Counsel for applicant/accused Ramesh Kumar Gami (through Video Conferencing).
Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video Conferencing).
Sh. Shailendra Bhatnagar, Ld Counsel for complainant (through Video Conferencing).
IO/Insp. Amit Chaudhary, Sec-V/EOW.

Reply of IO/Insp. Amit Chaudhary has been filed.

Heard. Perused.

At request of Ld. Counsel for applicant, e-copy of the reply of IO be supplied to him. Ld. Counsel for applicant submits that he shall address arguments after going through the said e-copy of the reply.

Re-notify for arguments on the anticipatory bail application on **24.08.2020.**

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)
Roster Judge/ASJ-01/Special Court
POCSO/ NDD/PHC/ND/20.08.2020/D

Bail Application No.1666/20

State Vs. Piyush Joshi

FIR No.88/20

U/s. 406/420/120B IPC

PS : EOW

20.08.2020

Vide order No.7921-8010/Bail & Filing/Judl./D&SJ/NDD/2020 dated 14.08.2020 and in continuation of earlier office order No.7380-7469/Judl./D&SJ/NDD/2020 dated 31.07.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today to hear and dispose of fresh bail/urgent criminal applications and pending bail applications pertaining to New Delhi District Sessions Division.

Present : Sh. Abhishek Vikram, Ld. Counsel for applicant/accused Piyush Joshi (through Video Conferencing).

Sh. Kumar Sanjay, Ld. Addl. PP for State (through Video Conferencing).

Sh. Shailendra Bhatnagar, Ld Counsel for complainant (through Video Conferencing).

IO/Insp. Amit Chaudhary, Sec-V/EOW.

Reply of IO/Insp. Amit Chaudhary has been filed.

Heard. Perused.

At request of Ld. Counsel for applicant, e-copy of the reply of IO be supplied to him. Ld. Counsel for applicant submits that he shall address arguments after going through the said e-copy of the reply.

Re-notify for arguments on the anticipatory bail application on **24.08.2020.**

It is certified that video conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised regarding the connectivity i.e. audio or visual quality.

(Ashutosh Kumar)

**Roster Judge/ASJ-01/Special Court
POCSO/ NDD/PHC/ND/20.08.2020/D**

FIR No. 40/15
PS Spl Cell
U/s 18/21 & 29/61/85 NDPS Act
State Vs Rampal & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Sh Sumit Sharma, Ld. Counsel for accused/applicant
Ved Prakash @ Mistri through VC.

Ld. Counsel for accused submitted that presently the
accused is on interim bail from Hon'ble High Court of Delhi till
01.10.2020.

Accordingly, list this application for regular bail on
15.09.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

FIR No. 670/2020
PS Sagarpur
U/s 21/29/61/85 NDPS Act
State Vs Akshay

20.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Ms M Begum, Ld. Counsel for accused/applicant
Akshay through VC.

Ld. Addl. PP for the State submits that IO is not present
today and he requires some instructions from IO.

Accordingly, IO be called for NDOH.

At request, list this application for **27.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

FIR No. 154/2019
PS Spl Cell
U/s 21/29/61/85 NDPS Act
State Vs Jaichand Saxena & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Sh S S Das, Ld. Counsel for accused/applicant Shyam
Babu Saxena through VC.

Ld. Counsel for accused submitted that he has filed the
judgments however at request, list this application for arguments on
22.08.2020.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

FIR No. 09/19
PS Spl Cell
U/s 22/29 NDPS Act
State Vs Sunil Kumar & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Ms Sushma Sharma, Ld. Counsel for accused/applicant
Rajesh Dutta @ Raj through VC.

Ld. Addl. PP for the State submits that one week's time
be given.

Accordingly, list this application for **27.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 139/19
U/s 9A, 25A, 29 NDPS Act
NCB Vs Kelvin George Katindasa

20.08.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.

Sh J S Kushwaha, Ld. Counsel for accused/applicant Kelvin George Katindasa through VC.

At request of Ld. Counsel for accused, list this application for **03.09.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 133/2020
U/s 8/22/29 NDPS Act
NCB Vs Gaurav Kumar Aggarwal & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh. Rajesh Manchanda, Ld. SPP for NCB through video conferencing.

None for accused/applicant Gaurav Kumar Aggarwal.

This is an application for providing legible copies of some documents, however, none is present on behalf of applicant/accused Gaurav Kumar Aggarwal.

Accordingly, list this application for **22.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

FIR No. 10/19
PS Spl Cell
U/s 21/29 NDPS Act & 14 Foreigners Act
State Vs Panna Lal & Anr

20.08.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Sh Bhuvneshwar Tyagi, Ld. Counsel for
accused/applicant Emma through VC.

Ld. Counsel for accused submitted that the name of
accused is not Emma but Gnombley Jean Christian and he is filing
scan copy of the passport today itself.

At request, list this application for **22.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 57/2020

**U/s 8A, 21 (c), 23 (c), 29 NDPS Act
NCB Vs Chinonso Stanley Okorie**

20.08.2020

Matter heard through video conferencing.

Present: Sh. P C Aggarwal, Ld. SPP for NCB through video conferencing.

Sh Gaurav Chandhok, Ld. Counsel for accused/applicant Chinonso Stanley Okorie through VC.

Medical report of accused received.

Ld. Counsel for accused requested some time to go through the medical report.

Accordingly, list this application for **22.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 93/18
U/s 20 (C), 23/29 NDPS Act
NCB Vs Devender Sen & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh. Mukesh Malik, Ld. SPP for NCB through video conferencing.

Sh Y K Saxena, Ld. Counsel for accused/applicant Devender Sen through VC.

Ld. Counsel for accused submitted that he has filed the judgments through e-mail.

At request, list this application for **21.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 8775/16
FIR No. 98/13
PS Inderpuri
U/s 21 (b) NDPS Act
State Vs Geeta

20.08.2020

Matter heard through video conferencing.

Present: Sh Sumit Sharma, Ld. Counsel for accused/applicant
Geeta through VC.

At request, list this application for **22.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 04/18

NCB Vs Merryl Anne Carter & Anr.

20.08.2020

Matter heard through video conferencing.

Present: Sh Sumit Sharma, Ld. Counsel for accused/applicant
Merryl Anne Carter through VC.

At request, list this application for **22.08.2020**.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020

SC No. 107/18
NCB Vs Rafiq & Ors.

20.08.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.

Sh Sumit Sharma, Ld. counsel for applicant/accused Rafiq through VC.

Ld. Counsel for accused submitted that this is an application for cancellation of NBW and recalling of attachment orders of sureties. Ld. Counsel submits that after expiry of interim bail, this accused had to surrender on 01.04.2020 however due to lockdown, he could not surrender. Consequently, vide order dated 24.07.2020 of Full Bench of Hon'ble High Court of Delhi in WP (C) no. 3037/2020 titled as 'Courts on Its Own Motion Vs State & Ors', all the interim bails granted prior to 16.03.2020 and after 16.03.2020, extended automatically till 31.08.2020.

Heard. In view of the submissions, NBWs and warrants of attachment issued vide order dated 18.07.2020 stands recalled and accused / applicant Rafiq is directed to surrender before Tihar jail within a week after 31.08.2020.

Application is disposed of accordingly.

Copy of the order be given dasti.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
20.08.2020