FIR NO.747/18 PS SEEMAPURI U/S 125 OR.P.C. 3 = 2 | 34 7 7 P.C STATE VS. HAZI ISRAR

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Ms. Sushma Badhwar Ld. Addl. P.P. for the State. Present:

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused.

Arguments heard on the preponement application.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused on interim bail.

Arguments heard. Record is perused.

I have gone through the application and the report of the Jail

There is nothing in the application which shows any urgency Superintendent for the release of the applicant/accused. Since the applicant/accused is in custody in murdar trial case, the allegation against him is of serious nature and even the report of the Jail Superintendent suggests that applicant/accused is being treated properly, thus, no ground for admitting the accused on interim bail is made out.

Accordingly, bail application stands dismissed.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

> (DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR/EX. NO.25/2018 PS WELCOME U/S 125 CR.P.C STATE VS. AFTAB KHAN @ GAMA

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Ms. Sushma Badhwar Ld. Addl. P.P. for the State. Present:

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused. Arguments heard on the preponement application through

video conferencing.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused for interim bail.

I have perused the relevant paras of the said bail application.

Considering the facts mentioned in the application, the emergent situation due to Covid-19 pandemic as well as in the light of order passed by Hon'ble High Court of Delhi in Shobha Gupta vs. Union of India, W.P.(c) 2945/2020, accused Aftab Khan @ Gama be released on interim bail for 45 days. Further in the light of circular, accused be released on furnishing of personal bond in the sum of Rs.10,000/- subject to satisfaction of Jail Superintendent in terms of above mentioned order.

Jail Superintendent is further directed to transmit the bail bond to the court. Further, in light of abovesaid circular, present order shall be

treated as release warrant for the accused.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance as well as to the office of the DLSA, Shahdara.

Accused to surrender before Jail Superintendent concerned on completion of 45 days after his release.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR NO.244/17
PS HARSH VIHAR
U/S 125 CR.P.C.
STATE VS. NARENDER @ SONU

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Present: Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused. Arguments heard on the preponement application through

video conferencing.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused for interim bail.

I have perused the relevant paras of the said bail application.

Considering the facts mentioned in the application, the emergent situation due to Covid-19 pandemic as well as in the light of order passed by Hon'ble High Court of Delhi in Shobha Gupta vs. Union of India,W.P.(c) 2945/2020, accused Narender @ Sonu be released on interim bail for 45 days. Further in the light of circular, accused be released on furnishing of personal bond in the sum of Rs.10,000/- subject to satisfaction of Jail Superintendent in terms of above mentioned order.

Jail Superintendent is further directed to transmit the bail bond to the court. Further, in light of abovesaid circular, present order shall be treated as release warrant for the accused.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance as well as to the office of the DLSA, Shahdara.

Accused to surrender before Jail Superintendent concerned on completion of 45 days after his release.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI FIR/EX. NO.103/2018
PS VIVEK VIHAR
U/S 125 CR.P.C.
STATE VS. RAJ @ RAJ KUMAR JATAV

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Present: Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused.

Arguments heard on the preponement application through video conferencing.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused for interim bail.

I have perused the relevant paras of the said bail application.

Considering the facts mentioned in the application, the emergent situation due to Covid-19 pandemic as well as in the light of order passed by Hon'ble High Court of Delhi in Shobha Gupta vs. Union of India, W.P. (c) 2945/2020, accused Raj @ Raj Kumar Jatav be released on interim bail for 45 days. Further in the light of circular, accused be released on furnishing of personal bond in the sum of Rs.10,000/- subject to satisfaction of Jail Superintendent in terms of above mentioned order.

Jail Superintendent is further directed to transmit the bail bond to the court. Further, in light of abovesaid circular, present order shall be treated as release warrant for the accused.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance as well as to the office of the DLSA, Shahdara.

Accused to surrender before Jail Superintendent concerned on completion of 45 days after his release.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

(DEVENDRA-KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR/EX. NO.09/14 PS JYOTI NAGAR U/S 125 CR.P.C. STATE VS. VINOD KUMAR

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Ms. Sushma Badhwar Ld. Addl. P.P. for the State. Present:

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused. Arguments heard on the preponement application through

video conferencing.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused for interim bail.

I have perused the relevant paras of the said bail application.

Considering the facts mentioned in the application, the emergent situation due to Covid-19 pandemic as well as in the light of order passed by Hon'ble High Court of Delhi in Shobha Gupta vs. Union of India, W.P.(c) 2945/2020, accused Vinod Kumar be released on interim bail for 45 days. Further in the light of circular, accused be released on furnishing of personal bond in the sum of Rs.10,000/- subject to satisfaction of Jail Superintendent in terms of above mentioned order.

Jail Superintendent is further directed to transmit the bail bond to the court. Further, in light of abovesaid circular, present order shall be

treated as release warrant for the accused.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance as well as to the office of the DLSA, Shahdara.

Accused to surrender before Jail Superintendent concerned on completion of 45 days after his release.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR NO.592/17 PS JAFRABAD U/S 302/307/120-B/34 IPC & 27 A. ACT STATE VS. NADEEM @ IMRAN

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Ms. Sushma Badhwar Ld. Addl. P.P. for the State. Present:

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused.

Arguments heard on the preponement application.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the bail application of accused on interim bail.

Arguments heard. Record is perused.

I have gone through the application and the report of the

Jail Superintendent

There is nothing in the application which shows any urgency for the release of the applicant/accused. Since the applicant/accused is in custody in murdar trial case and the allegation against him is of serious nature, thus, no ground for admitting the accused on interim bail is made out. Accordingly, bail application stands dismissed.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due

compliance.

(DEVENDRA KHMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR NO.181/18 PS GTB ENCLAVE U/S 125 CR.P.C. STATE VS. VIJAY

21.04.2020

An application for preponement of interim bail application has been taken up upon which it was ordered through video conferencing that bail application be also taken up for interim bail.

Present: Ms. Sushma Badhwar Ld. Addi. P.P. for the State.

Ms. Suman Ld. Legal Aid Counsel for the applicant/accused. Arguments heard on the preponement application through

video conferencing.

Since the application has been moved for preponement of date of hearing in view of the directions of Hon'ble High Court, hence the application in hand is allowed and arguments is heard upon the ball application of accused for interim bail.

I have perused the relevant paras of the said bail application.

Considering the facts mentioned in the application, the emergent situation due to Covid-19 pandemic as well as in the light of order passed by Hon'ble High Court of Delhi in Shobha Gupta vs. Union of India W.P.(c) 2945/2020, accused Vijay be released on Interim bail for 45 days. Further in the light of circular, accused be released on furnishing of personal bond in the sum of Rs.10,000/- subject to satisfaction of Jail Superintendent in terms of above mentioned order.

Jail Superintendent is further directed to transmit the bail bond to the court. Further, in light of abovesaid circular, present order shall be

treated as release warrant for the accused.

Application is disposed off accordingly.

Copy of the Order be sent to Jail Concerned for compliance as

well as to the office of the DLSA, Shahdara.

Accused to surrender before Jail Superintendent concerned on completion of 45 days after his release.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due compliance.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

PS CRIME BRANCH U/S 18 NDPS ACT STATE VS. KALICHARAN

20.04.2020

Bail application of applicant/accused Kalicharan s/o Sh. Nobat Ram seeking interim bail is taken up.

Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Sh. Sachin Dev Ld. Counsel for the applicant/accused.

Ms. Suman Remand Advocate from DLSA.

Present bail application is received on behalf of applicant/accused Kalicharan seeking interim bail.

Arguments heard. Record is perused.

It was stated by the Ld. Counsel for the applicant/accused that he is unable to download the Cisco Webex Meet therefore, arguments on his behalf were heard on WhatsApp.

It was argued that applicant is suffering from cold and cough

and therefore, he seeks interim bail for his treatment.

During the course of arguments, it was revealed that 10 kg opium was recovered from his possession. The present applicant/accused is facing trial under the N.D.P.S. Act. Hence, his case is not covered for interim bail under the guidelines of Hon'ble High Court. Further, except general allegation about illness of accused, nothing has been placed on record about any other urgency. So far as his illness is concerned, he may approach to the concerned Jail Superintendent.

In view of the above discussion and considering the nature of allegation, application in hand is devoid of any merit. Accordingly, same is dismissed. Nothing discussed hereinabove shall tantamount

to be an expression of opinion on the merits of the case.

A copy of order be sent to concerned Jail Superintendent.

A copy of order be sent to Ld. Counsel for applicant on his

WhatsApp number.

A copy of order be placed on record and original signed copy is retained in the residential office of undersigned and will be placed on record on the opening of the Court.

Application is disposed off accordingly.

(DEVENDRAKUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI 20.04.2020

FIR NO.06/19
PS WELCOME
U/S 302 IPC & 25 ARMS ACT
STATE VS. MEHTAB

21.04.2020

Case file is taken up today upon interim bail application filed on behalf of applicant/accused Mehtab filed u/s 439 of Cr.P.C.

Present: Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Sh. Vikas Gautam Ld. Counsel for the applicant/accused.

SI Amit Bharadwaj is present from PS Welcome alongwith police

file

He has filed reply to the bail application.

Arguments heard through video conferencing. Record is perused.

It has ben submitted on behalf of the applicant/accused that he has been falsely implicated in the present case by the complainant in collusion with IO and has been arrested and is in JC since 12.01.2019, though he has not committed the alleged ofences. It has been further submitted on behalf of the applicant/accused that the present FIR has been registered at the instance of the complainant stating that her son-in-law was shot dead by some unknown person and while taking him to hospital, he has disclosed the name of applicant as accused. It has been further submitted on behalf of the applicant/accused that all the prime witnesses in the present case have already been examined by the prosecution before the Ld. Court but nothing incriminating evidence came on record against the applicant/accused. It has been further submitted on behalf of the applicant/accused that the accused is the only sole bread earner of his family consisting of his ailing old aged mother, minor children and her injured wife, who had met with an accident and got fractured her leg and now her fractured leg got further infected and for the last 15/20 days she is suffering from high fever and hence somehow she managed to visit LBS Hospital for treatment but was discharged immediately and hospital refused to admit her on the ground of prevailing COVID-19 epidemic and local doctor now diagnosed typhod and advised immediate treatment to her and told that lack of treatment could cause her death. It has been further submitted that applicant may kindly be granted interim bail as his presence is much required at his home and due to prevailing lockdown situation, there is no one to look after his family and arrange medical treatment for her ailing wife and to save his children from starving. It has been further submitted that on earlier occasion also his interim bail application was allowed by the Court of Sh. S.K. Malhotra, Ld. ASJ vide order dt. 04.02.2020 for two weeks and during said period he has complied the orders of the Ld. Court and after making medical/financing arrangement for the family, he surrendered before the Jail Superintendent on 20.02.2020 and he will abide by all the terms and conditions imposed by the Ld. Court in case he is released on interim bail. Thus, it has been prayed that the applicant may kindly be granted interim bail.

On the other hand, the interim bail application of the accused is strongly opposed on behalf of the State/complainant on the ground that there is no question of false implication of the applicant/accused as it has been clearly stated by the complainant in her complaint that on the day of incident she had gone to the house of her daughter and when she was returning back, she found her son-in-law lying in street and with the help of public persons she took him to GTB Hospital where he was declared brought dead, however, before reaching hospital, his injured son-in-law disclosed her that he was shot by accused mehtab as he hit his dog with brick, thus, the allegations made against the applicant are serious in nature. Thus, it has been further submitted that in case he is released on interim bail there is likelihood that accused may flee away from the jurisdiction of this Court or may temper with evidence. Hence, it was prayed that the bail application filed on behalf of the acused may kindly be dismissed.

Having heard the rival submission on behalf of the parties and after perusal of the record, it has been verified that the wife of the accused is ill and needs medical treatment. Further, accused is not seeking regular bail but seeking interim bail to make medical arrangement for her wife and financial aid to his family. In these circumstances, he be released on interim bail on 22.04.2020 at 10 am and he is directed to surrender before the Jail Superintendent

concerned on 28.04.2020 at 10 am subject to furnishing a personal ball bond in the sum of Rs. 25,000/- to the satisfaction of concerned Jail Superintendent and subject to the following conditions:

- That accused shall not come in contact with or try to influence any of the witnesses connected with the case either directly or indirectly;
- That accused shall not directly or indirectly make any inducement, threat or promise to any person so as to dissuade him/her form disclosing the facts before the court and accused shall not tamper with the evidence in any manner.

With these directions, the interim ball application stands disposed of .

Nothing discussed hereinabove shall tantamount to the expression upon the merits of the case.

Copy of the order be given dasti to the parties including I.O.

A copy of order be sent to the concerned Jail Superintendent for intimation and due compliance.

A copy of the order be sent to computer branch for uploading the order on website.

(DEVENDRAKUMAR SHARMA) DUTY ASJISHDIKKO COURTS, DELHI

JANARDHAN A VITTAL VS. STATE OF NCT OF DELHI FIR NO.338/19 PS JAGATPURI U/S 365/376 IPC & 10 OF POCSO ACT

21.04.2020

An application filed on behalf of the applicant/accused for release of his passport and permission to go abroad has been taken up.

Present: Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Sh. Ranjeet Kumar Ld. Counsel for the applicant/accused.

Sh. Mrityunjay Kumar Ld. Counsel for complainant. IO SI Mamta is present from PS Jagatpuri is present. Reply filed on behalf of the IO as well as complainant

This application has been filed for urgent hearing of the application filed on behalf of the applicant/accused for release of his passport and permission to go abroad.

Arguments heard through video conferencing. Record is

perused.

The first application filed on behalf of the applicant/accused is still pending in the regular matter.

This application has been filed for urgent hearing upon

the application already pending.

It is submitted on behalf of the applicant/accused that upon a short notice the accused may be allowed to go to Germany where his family is residing and he is working gainfully. Thus, it has been submitted that accused may kindly be permitted to go abroad and IO may kindly be directed to release his passport. In this regard, accused has placed reliance upon the e-mails received from the Embassey.

On the other hand, application is opposed on the ground that there is no urgency due to nation-wide lockdown and even no services to fly is available. It has been further submitted that accused has falsely alleged that he is gainfully employed though as per communication received by the complainant, he is no more in employement in Germany. It has been further submitted that the accused is a flight risk and in case he is allowed to visit abroad, he may flee away from the jurisdiction of this Court. Thus, it has been prayed that application may kindly be dismissed.

In support of his arguments, reliance has been placed upon the copy of the e-mails received from the alleged employment of the accused as well as a judgment dt. 26.03.2020 in case titled as Writ Petition(L) No.930 of 2020 by the Hon'ble High Court of Mumbai.

Having heard the rival submissions of the parties and considering the fact that there is no period mentioned for the visit of the accused to the Germany and moreover, in the prevailing situation where there is a complete lockdown in the country, it is almost impossible for anybody to leave the country and furthermore if the situation will arise the applicant is at liberty to press his application already pending before the Court after lifting of the lockdown and, thus, there is no urgency shown in the present application to allow the accused to visit out of India after release of his passport. Accordingly, application stands dismissed being devoid of any merit with liberty to the applicant/accused to move the appropriate application if any urgency arises in future.

Application is disposed off accordingly.

Copy of the Order be given to the parties/sent to their WhatsApp number/e-mail address.

Order be uploaded to the website.

A copy of the order be sent to computer branch for due

compliance.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI

FIR NO.115/19
PS JAFRABAD
U/S 147/148/149/458 IPC
STATE VS. MOHD. ASIF S/O MOHD. HANIF

21.04.2020

Bail application u/s 439 of Cr.P.C. filed on behalf of applicant/accused Mohd. Asif is taken up.

Present: Ms. Sushma Badhwar Ld. Addl. P.P. for the State.

Sh. Mahesh Sharma Ld. Counsel for the applicant/accused.

10 SI Rakesh is present from PS Jafrabad alongwith police file.

He has filed reply to the bail application.

Arguments heard through video conferencing. Record is perused.

It has ben submitted on behalf of the applicant/accused that he has been falsely implicated in the present case by the complainant in connivance with police officials of P.S. Jafrabad and has been falsely implicated and thereafter arrested in the present case on 04.03.2020 and since then languishing in JC though he has not committed the alleged ofences. It has been further submitted on behalf of the applicant/accused that the present FIR has been registered at the complaint of the complainant stating that on 29.02.2020 at about 2 am (midnight), applicant/accused alongwith some unknown persons tried to tresspass the house of the complainant, however, they could not succeed in their intention upon raising alarm by the complainant and the applicant alongwith his associates ran away from the spot. It has been further submitted on behalf of the applicant/accused that the accused has nothing to do with the aforesaid offences and that he has been falsely limplicatedupon the concocted story of the complainant as complainant himself has stated that the aforesaid incident pertains to 29.02.2020 at about 2 am (midnight), however, he has lodged the present complaint against the applicant/accused after two days of the incident i.e. on 02.03.2020 at about 15:15 pm showing inordinate delay in filing the present complaint. It has been further submitted on behalf of the applicant/accused that the present FIR has been lodged under Sec. 147/148/149 of IPC, which are bailable one and only Section 458 of IPC is bailable, however, same could not be invoked in the present case as complaint himself stated that "the applicant/accused alongiwith his associates tried to enter into his house, however, they could not succeed", which shows that

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applicant/accused never entered into or trespassed the house of the complainant and no injury has been received by the complainant and no injury has been received by the complainant nor any damage was done to the roof or house of the complainant. It has been further submitted that applicant/accused may kindly be granted bail as his presence is much required at his home as he is sole bread earner of his family and there is no one to look after his ailing old aged parents, who are unable to perform their routine work and even the doctor under whom his parents are under treatment is not available now-a-days being busy in Covid-19 and he will abide by all the terms and conditions imposed by the Court in ase he is released on bail. Thus, it has been prayed that the applicant/accused may kindly be granted bail.

On the other hand, the bail application of the applicant/accused is strongly opposed on behalf of the State/Complainant on the ground that there is no question of false implication of the applicant/accused or delay in filing the present case as it has been stated by the complainant in the present FIR that on 29.02.2020at about 2 am, accused Asif alongwith 8/10 unknown miscreants having danda's and stones with them came to his terrace from the terrace of other house and tried to enter into the house of the complainant, however, when complainant raised alarm, accused alongwith said miscreants ran away from the spot. It has been further stated by the complainant that he immediately made call to PCR at about 2:21 am, however, no action was taken upon his said PCR call, hence, he went to police station Jafrabad and lodged the present complaint, and thus allegations made against the applicant/accused are serious in nature. It has been further submitted that in case he is released on bail there is likelihood that applicant/accused may flee away from the jurisdiction of this Court or may tamper with evidence. Hence, it was prayed that the bail application filed on behalf of the applicant/accused may kindly be dismissed.

Having heard the rival submissions on behalf of the parties and perusal of the record/report of the IO and taking into consideration the overall facts and circumstances of the case including the nature jof allegations appearing against the applicant/accused in the FIR and the discussion made here-in-above, and the fact that in the present case accused is in custody since the date of his arrest and trial will take its own time and custody of the accused is no more required. Thus, taking into consideration the overall facts and circumstances of the case, the application filed on

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behalf of the applicant/accused is allowed. The applicant/accused is admitted to bail subject to furnishing a personal bail bond in the sum of Rs. 20,000/- to the satisfaction of concerned Jail Superintendent and subject to the following conditions:

- That accused shall not come in contact with or try to influence any of the witnesses connected with the case either directly or indirectly;
- That accused shall not directly or indirectly make any inducement, threat or
  promise to any person so as to dissuade him/her form disclosing the facts before the
  court and accused shall not tamper with the evidence in any manner;
- That accused shall join the investigation as and when so required and shall duly cooperate in the investigation and shall not mis-use the concession of bail granted to him; and
- That accused shall not change address without prior intimation to the LO/SHO
  concerned and will furnish the surety bond in the like amount on opening the Court
  before concerned Court.

It is hereby made clear that in the event of breach of any of the afore said terms and conditions of bail on the part of accused person, it shall be open for complainant/I.O/SHO/State to seek cancellation of the bail being granted to the accused. With these directions, the anticipatory bail application stand disposed of.

With these directions, the interim bail application stands disposed of .

Nothing discussed hereinabove shall tantamount to the expression upon the merits of the case.

Copy of the order be given dasti to the parties including I.O.

A copy of order be sent to the concerned Jail Superintendent for intimation and due compliance.

A copy of the order be sent to computer branch for uploading the order on website.

(DEVENDRA KUMAR SHARMA) DUTY ASJ/SHD/KKD COURTS, DELHI 21.04.2020

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