

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs Pawan Saini
FIR No. : 279/17
P.S.: Kirti Nagar
U/s : 328/342/365/376 (d)/506 IPC

THROUGH CISCO WEB EX.

05.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Sh. Satish Chander, Ld. Counsel for the accused/applicant
Pawan Saini.
Ms. Aarti Pandey Ld. Counsel from DCW.
ASI Nimmo along with father of the complainant.
Sh. Devender Kumar, SHO PS Kirti Nagar.

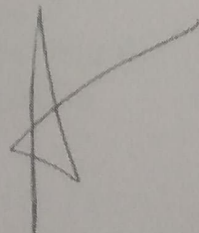
I.A. No. :18/20

Inadvertently on 31.07.2020 and 04.08.2020 the I.A. No. was mentioned as 17/20 whereas it should have been 18/20 and the same be read accordingly.

Reply on behalf of the SHO Kirti Nagar filed. He is warned to be careful in future.

Applicant seeks interim bail on the ground that his wife is to be operated for Gallbladder stone. Necessary documents are verified.

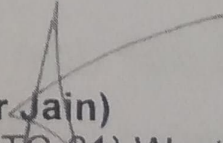
:2:



Without going into the merits of the matter, applicant is admitted to interim bail, for a period of 30 days, on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of this court. The Applicant shall surrender within 30 days from the date of his release before the Jail Superintendent. Under no circumstances interim bail shall be extended, even if wife of the applicant is not operated upon. Within one week from the date of operation applicant shall file necessary documents regarding the surgery of the wife. During this period applicant shall not make any contact with the complainant or her family members. The applicant shall provide his mobile number to the IO/SHO concerned and shall mark his presence once in 15 days before the concerned SHO/IO, the manner in which the presence is to be taken, is to be decided by the SHO/IO concerned.

Application stands disposed off. Put up on the date fixed.

Copy of the order be sent to the counsel concerned through electronic mode.


(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State vs : Pintu Verma @ Sagar, S/o
Arjun Prasad
FIR No. : 23/2018
PS : Hari Nagar
U/s : 376/370/342/323/506/34 IPC

Hearing took place through CISCO WebEx.

05.08.2020

Present: Mr. Subhash Chauhan, Ld. Addl. PP for State.

Ms. Arti Pandey Ld. Counsel from DCW.

Mr. Sumit Sandeep, Ld. Counsel for applicant/
accused Pintu Sagar.

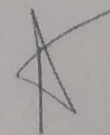
Mr. Vinay Kumar, Ld. Counsel for applicant / accused
Bhavneet @ Prince.

Mr. Vaibhav Sinha, Ld. Counsel for complainant.

SI Sri Krishna on behalf of IO from PS Hari Nagar.

IA No. 12/20 & 13/20

Reply from SI Vikas, PS Naraina received, reply from SI Shri
Krishana, PS Hari Nagar received in terms of order dated
30.07.2020. Reply by IO, with regard to the bail application
of Pintu Sagar filed. Copy of the same has been sent to



counsel for complainant and accused through electronic mode.

Mr. Sumit Sandeep, Ld. Counsel for applicant / accused Pintu Sagar submits that the reply to the bail application has been received by him, however, para 2 of his bail application remains unverified.

Ld. Addl. PP for State on instructions from IO submits that no medical document was attached, therefore, the medical condition of the wife as well as daughter could not be verified.

The accused is in JC and the counsel for the accused submits that he is not in possession of any document. IO SI Shri Krishna is directed to verify the facts as stated in para 2 of the bail application filed on behalf of accused Pintu Sagar.

So far as the bail application of Bhavneet @ Prince is concerned the report of PS Naraina reflects that IO could not contact the complainant. Ld. Counsel for complainant submits that when IO of PS Hari Nagar could contact the complainant then there is no reason why the police official of PS Naraina could not contact the complainant. Police official of PS Naraina is directed to make a concentrated effort to complete the inquiry positively within 15 days.

Ct. Ankit, Naib Court attached with this Court is directed to ensure compliance of this order by sending the same to SHO PS Naraina.

Put up on 29.08.2020 for further proceedings, till then interim order of Bhavneet @ Prince stands extended. Both the bail applications shall be taken up for consideration on said date.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Alam Ansari @ Alam Khan @ Kalu

FIR No. 200/2018

PS. : Nihal Vihar

U/s : 376/377/313 IPC

Hearing took place through CISCO Web Ex.

05.08.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Mr. Rajender Prasad Sarwan, Ld. LAC for applicant/
accused Alam Ansari.

Ms. Arti Pandey, Ld. DCW Counsel.

IO SI Sangeeta in person.

Ct. Ankit Dahiya, Naib Court.

IA No. 03/20

Report on behalf of SI Sangeeta filed. Matter was initially taken up at 11 AM when the IO informed that the complainant would join the proceedings at around 12 PM. Now IO submits that she is unable to join the proceedings. Ms. Arti DCW Counsel has also informed this Court that the mobile number of the complainant is switched off. IO is directed to serve the complainant in terms practice directions of the Hon'ble High Court.

Put up for further proceedings on 10.08.2020.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Tarun @ Tushar
FIR No. : 95/18
P.S.: Bara Hindu Rao
U/s : 328/354C/506/384/376 IPC

THROUGH CISCO WEB EX.

05.08.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Ms. Aarti Pandey Ld. Counsel from DCW.
Sh. B.A. Khan with Sh. Ankur Gupta, Ld. Counsels for the complainant along with complainant.
SI Priyanka in person.

I.A. No. :03/20

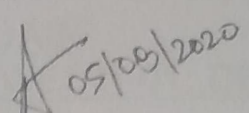
Reply on behalf of the IO filed. Copy is stated to have been received by the counsel for the complainant and Ld Counsel for the Accused.

Ld. Counsel for the complainant submits that number of bail applications have been filed by the accused which were dismissed. He submits that accused be directed to provide the exact details of the applications filed by him and the result thereof.

Ahlmad of this court informed that counsel for the accused is unable to join due to technical problems. The present bail application is adjourned for 08.08.2020.

IO is directed to file the comprehensive report with respect to number of bail applications filed by the accused and the

result thereof. If possible, copy of the order be also attached.


(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 05.08.2020

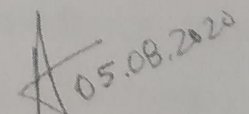
At this stage DR Sh. A.P. Singh, Ld. Counsel for the accused has joined the proceedings.

With the consent of the counsels, arguments on the bail application heard.

Ld. Counsel for the accused submits that accused is in judicial custody since 12.07.2018 and in terms of the recommendations of the High Power Committee he is entitled to be released on bail.

Ld. Counsel for the accused was asked to point out the exact date of the minutes of the High powered Committee, which would be applicable in the present case. He submits that in the present circumstances he is unable to assist the court about the exact dates and court may itself look into it.

Arguments heard. Put up for orders. The date of 08.08.2020 stands cancelled


(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Rajeev Babbar @ Prince Babbar
FIR No. 485/2017
PS. : Tilak Nagar
U/s : 323/328/376/377/506 IPC

Hearing took place through CISCO Web Ex.

05.08.2020

File is taken up for hearing in terms of circular no. 26-DHC/2020 dated 30.07.2020 of Hon'ble High Court of Delhi and No. 499/11885-11919/ Misc. / Gaz. /DJ West/ 2020 dated 31.07.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Mr. Pradeep Anand, Ld. Counsel for the accused.
Ms. Arti Pandey Ld. Counsel from DCW.

Ld. Counsel for accused submits that, accused could not join the proceedings as he could not share the link. On his oral request accused stands exempted for today.

The case is listed for PE. In terms of the directions as contained in the above said circular evidence cannot be recorded. Accordingly, the present case is adjourned.

Put up for PE on 06.01.2021.

(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE, SFTC (WEST)-01, DELHI

State Vs. Nadeem
FIR No. 621/16
PS. : Rajouri Garden
U/s : 323/354B/378D/506 IPC

Hearing took place through CISCO Web Ex.

05.08.2020


File is taken up for hearing in terms of circular no. 26-DHC/2020 dated 30.07.2020 of Hon'ble High Court of Delhi and No. 499/11885-11919/ Misc. / Gaz. /DJ West/ 2020 dated 31.07.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Accused Asif and Nadeem in person.
Ms. Arti Pandey Ld. Counsel from DCW.

The case is listed for PE. Evidence cannot be recorded in terms of the above said circular.

Accused submit that their counsel is not available today as he is out of station. They are unable to give any reason as to why the counsel could not join through VC. Adverse order is deferred.

Put up on 04.01.2021 for PE.


(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs Vijay Kumar
FIR No. : 405/18
P.S.: Khayala
U/s : 376 IPC

THROUGH CISCO WEB EX.

05.08.2020.

File taken up for hearing in terms of Circular No. 26-DHC/2020 dated 30.07.2020 of Hon'ble High Court of Delhi and No. 1977-2009/DHC/2020 dated 30.07.2020.

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.
Sh. Ashwani Tripathi, Ld. Counsel for the accused/applicant
with accused.
Ms. Aarti Pandey Ld. Counsel from DCW.

Matter is listed for PE. In terms of the directions as
contained in the above said circular evidence cannot be recorded.
Accordingly, the present case is adjourned.

Put up for PE on 06.01.2020

★

★ 05/08/2020
(Ankur Jain)
ASJ (SFTC-01) West
Delhi: 05.08.2020

IN THE COURT OF ANKUR JAIN
ADDITIONAL SESSIONS JUDGE: SFTC (WEST)-01: DELHI

State Vs. Tarun @ Tushar Jain
FIR No. 95/2018
PS. : Bara Hindu Rao
U/s 376/354C/506/328/384 IPC

Hearing took place through CISCO Web Ex.

05.08.2020

IA No. 03/20

1. This is an application seeking regular bail by applicant Tarun Jain @ Tushar.
2. The brief facts as necessary for the disposal of the present application are that on the complaint of 'P' the present FIR was registered. In the complaint she pleaded that she became friend with applicant / accused and was raped by him after taking her to a hotel in Paharganj. After completion of investigation charge sheet was filed and the case is pending trial.
3. In the present application although the regular bail has been sought but during the course of arguments Ld. Counsel for accused has restricted his arguments only to the extent that accused is in custody since 12.07.2018 and as such is covered by the Minutes of the Meeting of the High Powered Committee. It is argued that the conduct of the accused in the jail is satisfactory and therefore he ought to be released on bail.
4. On the other hand, Ld. Addl. PP for State has opposed the bail application on the ground that several times bail application of the accused is dismissed, complainant is yet to be cross examined and the family member of the applicant threaten the prosecutrix. Ld. Counsel for the complainant submits that nowhere in the application it is stated that earlier bail application filed by the accused were dismissed and that itself is the ground for dismissal of the present bail application.

5. I have heard the Ld. Addl. PP for State and Ld. Counsel for accused and perused the record.

6. The accused has filed an application seeking regular bail but nowhere he has been intimated as to how many applications were filed by him either before this Court or before the High Court and the fate thereof. This amounts to concealment of fact and on this count alone the bail application deserves to be dismissed.

7. The record reflects that one regular bail application was dismissed on 10.01.2019. There is no change in circumstances since then, except the period of custody. Therefore on this ground alone the application deserves to be dismissed.

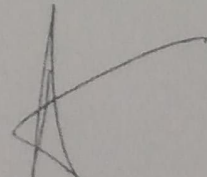
8. Ld. Counsel for the accused has argued that he is covered by the Minutes of the meeting of the HPC, during the course of argument he was unable to point out the exact date of the Minutes of the Meeting. Later on Counsel for accused had sent a WhatsApp which shows that he is seeking to rely upon the Minutes of the Meeting dated 18.05.2020. No doubt in the said Minutes it is recorded that a UTP who is in JC for the last two years will be eligible for bail, however, it appears the next paragraph of the said Minutes has gone unnoticed. The relevant paragraph of the said Minutes of Meeting are reproduced here under:

"It has further been resolved that following category of UTPs, even if falling in the above criterion or the criteria adopted in the earlier Meetings, should not be considered :-

(i) Those inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;

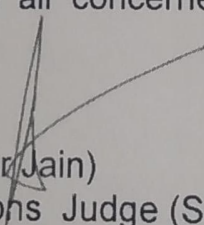
(ii) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;

(iii) Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;



- (iv) Those UTPs who are foreign nationals ;*
(v) Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA, MCOCA ; and
(vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related Cases, Riot cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act...'

9. It is thus apparent that the recommendations made were only for those UTP's facing trial for a case U/s 302 IPC and who are in Jail for more than two years. In the above said Minutes it is clearly recorded that offence punishable U/s 376 IPC would not be covered even if they are covered by the criteria adopted by the committee on 18th May 2020 or in any criteria adopted earlier. Thus, accused cannot take the benefit of the Minutes of the Meeting of the Hon'ble HPC. Therefore, even on this ground the application deserves to be dismissed. Accordingly, I.A.No 3/2020 stands dismissed. Copy of order be sent to all concerned through electronic mode.


(Ankur Jain)
Addl. Sessions Judge (SFTC-01) West
Delhi: 05.08.2020