

FIR No. 91/2018

PS Kotwali

State v. Mohd. Hasim @ Haseen

U/s 392/395/397/412/120B/34 IPC and 25 of Arms Act

21.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for accused-applicant.

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Mohd. Hasim in case FIR No. 91/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi in the wake of outbreak of covid-19.

Reply of the IO and custody certificate and conduct report received from Jail Superintendent.

Ld.Counsel for accused-applicant when contacted telephonically for Webex hearing submits that due to some personal difficulty he is not in a position to argue the matter today and seeks adjournment.

For arguments, put up on 25.8.2020.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

21.08.2020

FIR No. 243/2018
PS Nabi Karim
State v. Shiva
U/s 302/34 IPC

21.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

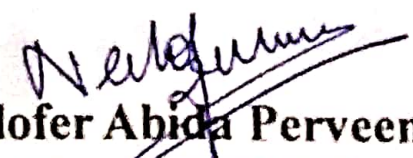
Sh. Kamaldeep, counsel for accused-applicant
(through video conferencing)

This is an application under Section 439 CrPC for grant of bail on behalf of accused Shiva in case FIR No. 243/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi in the wake of outbreak of covid-19.

Further arguments heard.

Judicial pronouncements filed on behalf of the accused-applicant.

For orders, put up on 25.08.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
21.08.2020

FIR No. 43/2018

PS: Sadar Bazar

State Vs. Shahrukh @ Tannu

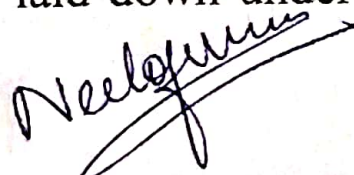
U/s 302/34/120B IPC and 25 of Arms Act

21.08.2020

ORDER

This is an application under Section 439 CrPC for grant of interim bail on behalf of the accused-applicant Shahrukh @ Tanna in case FIR No. 43/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons on Delhi due to outbreak of covid-19 pandemic.

Ld. counsel for the accused-applicant has contended that accused is innocent and has been falsely implicated in the present case. That accused-applicant is in JC since 22.02.2018. That nothing incriminating has been recovered from the accused-applicant or at his instance. That investigation has been completed. That star witness of the prosecution Mohd. Tohid has been examined and he has not supported the case of the prosecution. That accused-applicant is the sole bread earner for his family consisting of his parents, wife and daughter. That father of the accused-applicant is not well. That accused-applicant has clean antecedents and is in custody for more than two years. That the H/ble High Court of Delhi in several bail orders has now held that merely because the applicant if awarded jail punishment it does not disentitle him from availing interim bail in accordance with the guidelines. That accused-applicant fulfills all the criteria laid down under the guidelines issued by



High Powered Committee of Hon'ble High Court. In this regard, Ld. counsel for accused-applicant has relied upon judgments titled as **Behruddin v. State of NCT of Delhi** in B. A. No. 1142/2020 decided by Hon'ble High Court of Delhi on 11.06.2020; **Kuldeep v. State** in B. A. No. 14634/2020 decided by Hon'ble High Court of Delhi on 17.07.2020 and **Vipin Sharma v. The State W. P. (Crl.) No. 935/2020** decided by Hon'ble High Court of Delhi on 02.07.2020.

Report in respect of accused Shahrukh @Tanna is received from Jail Superintendent to the effect that accused-applicant is in custody in the present case from 23.02.2018 and that his conduct in jail is not good and he has been awarded punishment on 21.01.2019. **As per report received from the IO, accused-applicant is not involved in any other case.**

Ld. Counsel has relied upon bail order passed in **Badrudin Vs. State**, in the said case the custody was much more of over 4 years, the allegations were that a crowd had caused the death of the victim, and the nominal roll in respect of the jail punishment was found to be vague, the order passed in **Vipin Sharma vs. The State** is not in pursuance to the guidelines, and is passed in appeal where the convict had undergone 9 years in custody, the order in **Kuldeep vs. State** is passed in exercise of the inherent powers under section 482Cr.PC not vested in this Court.

The accused -applicant has undergone over two years of custody being in custody since 23.2.2018, has clean antecedents and during custody has been awarded ^d ^{re} one jail punishment on 5.11.2018, as piece

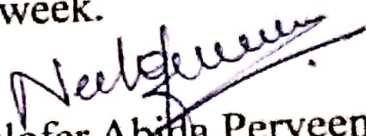
Narajewanna

of tobacco was recovered from him at Tis Hazari Lock up. The punishment is not for possession of tobacco while in custody in the jail, but when he had come for the court hearing in his case, smuggling tobacco or any prohibited article when in the jail would certainly reflect subversive conduct and tendencies however when in the course of his appearance in court and when he has had *mulaqat* with his near dear ones, the recovery of a piece of tobacco which is a common item smuggled in the Court Lock up in my humble opinion is not to be placed at the same footing, alarming enough to disqualify him for consideration as per the guidelines issued for release of UTP's on interim bail in order to decongest the prisons.

In such facts and circumstances relying upon the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, , interim bail for 45 days is granted to the accused **Shahrukh @ Tanu** in case FIR No. 43/2018 on furnishing personal bond in the sum of Rs.50,000/- to the satisfaction of the Jail Superintendent concerned and subject to the condition that accused-applicant shall mention the mobile phone number to be used by him and that of one responsible member of the family in the Bond, and furnish the same to the IO and shall ensure that the said mobile phone number remains throughout on switched on mode with location activated and shared with the IO. The accused -applicant shall not threaten intimidate or influence witnesses, nor tamper with evidence in any other manner, shall not delay

Nabojan

or impede the trial, nor interfere with the proceedings in any other manner, Accused-applicant shall under no circumstances be found within one kilometre radius of the house of the complainant. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned and shall get his presence marked at the local police station on the Sunday of every week.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
21.08.2020

FIR No. 20/2020
PS: Nabi Karim
State Vs. Rakesh @ Tinda
U/s 307/324/34 IPC & 25 Arms Act
21.08.2020

Fresh bail application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Anil Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rakesh @ Tinda in case FIR No. 20/2020.

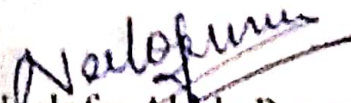
Reply is filed.

Ld. Counsel submits that the co-accused who is infact the main accused has been granted bail however the order has not been annexed with the application, it is disputed by the Ld. APP on the basis of the reply filed by the IO that the co-accused has already been granted bail.

It emerges that main case is listed on 04.09.2020. Let the present bail application be also listed for 04.09.2020.

IO to file fresh reply in case so is necessary on or before the next date of hearing.

For arguments and consideration, put up on 04.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
21.08.2020

FIR No. 165/2018
PS: Crime Branch
State Vs. Mohd. Nadeem etc (applicant Srinivas)
U/s 21/29 NDPS Act

21.08.2020

Fresh bail application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

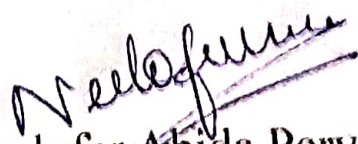
Sh. Sunil Gautam, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Srinivas in case FIR No. 165/2018.

Let the medical record annexed with the application and family status of the accused-applicant be got verified for the next date of hearing.

For report and consideration, put up on **01.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
21.08.2020