

State vs. Anil @ Raja

FIR No. 227/2016

Under Section 304/379/403/411 IPC

PS Burari

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Sher Singh, Advocate for the accused, namely, Anil @ Raja.

Ld. Counsel for the accused stated that the accused is already released on interim bail on 02.06.2021. Accordingly, the application under Section 439 Cr.P.C. for seeking interim bail for two months is dismissed as *infructuous*. A copy of the present order be sent to Ld. Counsel for the accused and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.

JA/ABW

Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Bobby Soda

FIR No. 143/2020

Under Section 394/411/120B/34 IPC

PS Kotwali

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Manoj Kumar, Advocate for the accused, namely, Bobby Soda.

Reply filed. Copy supplied. Reply perused. IO is seeking further time for verification of medical record. IO is directed to verify the medical record. He shall furnish report regarding nature of the ailment as well as nature of the treatment required by wife of the accused. To come up for report on **07.06.2021**. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*.

15/6/21
Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Kashmiri Lal

FIR No. 194/2020

Under Section 20/25/29 NDPS Act

PS Subzi Mandi

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Kiran Pal Singh, Advocate for the accused, namely,
Kashmiri Lal.

As per letter received from Deputy Superintendent, Central Jail No. 10, Rohini, Delhi, it is stated that Medical Officer is seeking two working days time for submitting medical status report. Accordingly, issue notice to Jail Superintendent to furnish medical report on **07.06.2021**. A copy of the present order be sent to Ld. Counsel for the applicant, IO / SHO and Jail Superintendent on their *WhatsApp*.



Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Mainuddin

FIR No. 18/2020

Under Section 376/506 IPC

PS Kashmere Gate

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Mohan Kaushik, Advocate for the accused, namely,
Mainuddin.
Mr. Neeraj Chauhan, Advocate for the *prosecutrix*.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking regular bail in respect of the accused, namely, Mainuddin (*Hereinafter referred to as 'the applicant'*).

2. I heard arguments of Ld. Addl. PP for the State, Ld. Counsel for the applicant and Ld. Counsel for the *prosecutrix* on 31.05.2021 and reserved the order.

3. Ld. Counsel for the applicant submitted that the *prosecutrix* is an educated person and employed with a multi-national company. He submitted that the applicant is not highly educated and not capable of practicing deception. He submitted that the applicant was falsely implicated in a case of monetary transaction. He referred *WhatsApp* conversation between the *prosecutrix* and the applicant in this regard. He submitted that the *prosecutrix* contacted the applicant and managed all meetings and borne expenses of the hotels.

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4. Ld. Counsel for the applicant submitted that the *prosecutrix* extended financial help of Rs. 53,000/- to the applicant which he could not repay and for that reason, he has been implicated in this case. He submitted that the *prosecutrix* did not permit her medical examination. He submitted that the applicant was on interim bail since 27.05.2020 and there is no allegation that he ever abused or misused the bail. He submitted that the *prosecutrix* made false complaint that the applicant's father had threatened her to withdraw the case. He submitted that the Investigating Officer has not verified Call Details Record (CDR) of the alleged mobile numbers. He submitted that the applicant has the responsibility to maintain his wife, two minor children and parents. He also submitted that the applicant is unwell and he is receiving treatment in jail. He submitted that the applicant would be able to get appropriate treatment, if he is released on bail. He submitted that the applicant deserves to be released on bail.

5. Ld. Counsel for the *prosecutrix* submitted that the applicant falsely claimed himself as bachelor on the matrimonial site and induced the *prosecutrix* to meet him and in one such meeting, he administered her intoxicating substance and committed sexual assault. He submitted that the applicant threatened the *prosecutrix* that he had obscene videos which he would upload on the website and pursuant thereto, he committed sexual assault several times. He submitted that the applicant is not entitled to bail.

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6. Ld. Counsel for the *prosecutrix* submitted that the applicant had made a threat call from mobile phone of his father while he was on bail. He submitted that the examination of the *prosecutrix* is under progress and in case the applicant is released on bail, he would influence or threaten or tamper with the evidence.

7. Ld. Addl. PP for the State submitted that besides gravity of the *offence* and severity of the punishment, the examination of the *prosecutrix* is being recorded and at this crucial stage, releasing the applicant on bail would expose the *prosecutrix* to intimidation or threat.

8. This is 4th application for regular bail. Earlier applications were dismissed as withdrawn on 27.02.2021, 16.03.2021 and 19.04.2021. It may be relevant to note that the reasons impelled withdrawing of 2nd application of bail were that the evidence of the *prosecutrix* was to be recorded on 01.04.2021, as noted in order dated 08.03.2021. The *prosecutrix* was partly examined-in-chief on 01.04.2021. On that day, the *prosecutrix* made statement that she received a call from the applicant from the mobile number of the applicant's father. The Court asked the Investigating Officer to collect Call Details Record of the said mobile numbers and eventually, the said application for regular was dismissed as withdrawn on 19.04.2021.

9. The Court is not delving into merits of the case as it would prejudice the case of the parties.

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10. However, there is material that the applicant was known to the *prosecutrix*. The record collected from the hotels would show that the applicant had hired rooms in hotels. The evidence of the *prosecutrix* is under progress. She has already made allegations of threat by the applicant through mobile phone. Medical condition of the applicant is reported stable and he is receiving appropriate treatment.

11. Besides gravity of *offence*, severity of punishment, seriousness of the allegations, it would not be just and fair to grant bail when the evidence of the *prosecutrix* is under recording and she has already made allegation of threat against the applicant.

12. Accordingly, the application under Section 439 of the Cr.P.C. for seeking regular bail in respect of the applicant, namely, Mainuddin is dismissed.

13. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information.

14. TCR alongwith bail application and the present order be sent to the trial Court for placing it on the judicial file.

15/5/21

Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

State vs. Margub

FIR No. 50/2018

Under Section 370/374 IPC r/w Section 3/14 Child Labour (P & R) Act
r/w Section 16/17/18 Bonded Labour Act r/w Section 75/79 Juvenile
Justice Act

PS Timarpur

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
None for the accused, namely, Margub.

Issue notice to IO to submit report as to whether the accused has joined the investigation and his custodial interrogation is required or not. To come up for report on **16.06.2021**. Till then, interim order to continue. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*.

JS/ABL

Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Mohit @ Annu

FIR No. 212/2020

Under Section 307/34 IPC & 27/54/59 Arms Act

PS Timarpur

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Hukam Chand, Legal Aid Counsel for the accused,
namely, Mohit @ Annu.

As per reply received from IO, the accused is already released on interim bail *vide* order dated 18.05.2021 passed by Sh. Arul Varma, Ld. ASJ, Central District, Tis Hazari Courts, Delhi. In that view, the application under Section 439 Cr.P.C. for seeking interim bail for 90 days is dismissed as *infructuous*. A copy of the present order be sent to Ld. Counsel for the accused and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.



Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

State vs. Pradeep Kumar Kattamori

FIR No. 263/2019

Under Section 420/467/468/471/34 IPC & 12 Passport Act


PS Crime Branch

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Gopal Sharma, Advocate for the accused, namely,
Pradeep Kumar Kattamori.

TCR not received. It is clarified that this Court has not heard the present bail application. Moreover, CISCO Webex was not functioning for want of Internet connectivity on 29.05.2021. Issue notice to the trial Court to make available TCR. The application be listed before the roster Judge on **07.06.2021**. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Santosh Kumar Khushwaha

FIR No. 112/2019

Under Section 302/201 IPC


PS Subzi Mandi

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Ms. Ekta, Advocate for the accused, namely, Santosh Kumar Khushwaha.

Bail section has reported that the application alongwith the reply is not traceable. However, the Court has taken out print of the application filed by the accused. Issue notice to IO to send reply. In the meanwhile, bail section shall trace the bail application alongwith reply. To come up for arguments on **05.06.2021**. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021


NK

State vs. Vineet @ Mohit @ Nanga
FIR No. 113/2019
Under Section 324/307/34 IPC
PS Sadar Bazar
03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State,
None for the accused, namely, Vineet @ Mohit @ Nanga.

Reply filed. Copy supplied. IO has furnished previous involvements of the accused. As per reply, previous application for interim bail on the basis of criteria laid down by Hon'ble High Powered Committee (HPC) already dismissed on 29.05.2021. Ld. Counsel for the accused was contacted on his mobile phone and he stated that he is down with fever. He also stated that another application is already listed for 07.06.2021. Accordingly, this application is adjourned to **07.06.2021**. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK

State vs. Yasin @ Gilli

FIR No. 195/2017

Under Section 302/201/34 IPC


PS Subzi Mandi

03.06.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Shivendra Singh, Legal Aid Counsel for the accused,
namely, Yasin @ Gilli.

The bail application of the accused already dismissed on 31.05.2021. It appears that inadvertently, orders were also annexed with the *annexures* filed by Legal Aid Counsel in support of the said application. Accordingly, reply alongwith *annexures* and order-sheets be clubbed with the bail application of the accused already dismissed on 31.05.2021.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
03.06.2021

NK