

SC 307/2021
STATE Vs. MANZOOR ILAHI@SONU AND ORS
FIR no. 289 /2020 (G.T.B. Enclave)

and

Reg. No. 1751/2022
STATE Vs. FARIDA
FIR 289/2020
PS G.T.B. Enclave
U/s 302/201/120-B/34 IPC r.w. Section 25/27 Arms Act

26.07.2022

Present: Mr. Kamal Akhter, Ld. Addl. PP for the State.
Mr. M. N. Kural, Ld. Counsel for complainant.
Mr. Ajay Choudhary, Ld. Counsel for accused Simran.
Mr. Manish Bhadoria and Mr. Shiv Kumar, Ld. Counsels for
accused Manzoor Ilahi.
Mr. Prasanna, Ld. Counsels for accused Varsha.
Mr. Vinay Dhaka, Ld. Counsel for accused Gagan
Pandit (fresh vakalatnama filed).
Mr. Luv Dixit, Ld. Counsel for accused Farida.
Mr. Anubhav Bhardwaj, Ld. Counsel for accused Varun
(fresh vakalatnama filed).
All accused have been produced from JC.
IO/Insp. Arun Kumar is present.

Part arguments on point of charge have been heard on behalf
of accused Simran, Manzoor Ilahi and Varsha.

Put up for further arguments on point of charge at 2.30 p.m.

(Naveen Gupta)
Addl. Sessions Judge-05
Shahdara District, Karkardooma Courts,
Delhi-26.07.2022

At 2.30 p.m.

Present: As above.

Further arguments on point of charge have been heard on
behalf of accused Simran, Manzoor Ilahi, Varsha and Farida.

Part arguments on point of charge have been heard on behalf of accused Gagan Pandit and Varun.

Accused Amir seeks adjournment as his counsel is not available today.

At request, matter is adjourned.

Put up for further arguments on point of charge on behalf of accused Gagan Pandit, Varun and Amir on 05.08.2022.

(Naveen Gupta)
Addl. Sessions Judge-05
Shahdara District, Karkardooma Courts,
Delhi-26.07.2022

At 3.30 p.m.

Present: Mr. Kamal Akhter, Ld. Addl. PP for the State.
Mr. M. N. Kural, Ld. Counsel for complainant.
Mr. Luv Dixit, Ld. Counsel for accused Farida.

At this stage, Ld. Counsel for accused Farida has stated that an application u/s 439 Cr.P.C. for grant of interim bail for period of 45 days moved on behalf of applicant/accused is pending adjudication.

Ld. Counsel for the applicant/accused has stated that through the present application, the applicant/accused seeks interim bail for period of 45 days on the ground of her ill health.

Ld. Addl. PP for the State has argued that charges are serious in nature against the applicant/accused. Present case has been registered u/s 302/201/120-B/34 IPC r.w. Section 25/27 Arms Act. He has further argued that jail authorities are taking due care of the medical condition of the applicant/accused. He has further argued that as per guidelines of the Hon'ble Delhi High Court in **Athar Pervez v. State**, in Crl. Ref. No. 01/2015 decided on 26.02.2016, it has been held that 'interim bail to an accused may be granted only when exceptional and

extraordinary circumstances would justify this indulgence'. Hence, the present application shall be dismissed.

Ld. Counsel for the complainant has assisted Ld. Addl. PP for the State in advancing arguments and stated that in view of report furnished by Jail Superintendent concerned, no ground is made out for granting interim bail to the accused.

Jail Superintendent concerned has forwarded a report regarding medical condition of the applicant/accused. In the report, it has been *inter-alia* stated that the patient had been diagnosed Fibroadenoma Right breast with Cystic Degeneration, which has been planned for excision under Local Anesthesia. At present patient is haemodynamically stable.

Considering the facts and circumstances of the present case, the Court is of the view that the charges are serious in nature against the applicant/accused. Further, the Court is in agreement with the submissions of Ld. Addl. PP for the State that jail authorities are taking due care of the medical condition of the applicant/accused. Moreover, the Court is in agreement with submissions made on behalf of the State that interim bail to an accused may be granted only when exceptional and extraordinary circumstances would justify this indulgence. The applicant/accused has not brought forward any exceptional and extraordinary circumstances entitling him to grant interim bail. The precedent relied upon by Ld. Addl. PP for the State has been followed. Hence, no ground is made out to grant interim bail to the applicant/accused. The application is accordingly dismissed.

(Naveen Gupta)
Addl. Sessions Judge-05
Shahdara District, Karkardooma Courts,
Delhi-26.07.2022