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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1633/2018**

SAURABH MISHRA

..... Petitioner

Through: Mr. Maninder Singh, Advocate with
Mr. Ajay Pipaniya, Mr. Rohit Arora, Ms. Aekta
Vats, Mr. Aahil Arora & Mr. Deepak Joshi, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP for the State.
SI Vishambhar, PS Shalimar Bagh.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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17.07.2018

CrI.M.A.12708/2018 (exemption)

Exemption allowed, subject to all just exceptions.

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The petitioner has felt constrained to approach this court because on his application (Bail Application Registration No.2117/18) the court of Sessions – presiding judge improperly referring to his status as that of Special Judge – has passed the following order on 07.07.2018:-

*“IN THE COURT OF VIRENDER BHAT, SPECIAL JUDGE
CBI-01 (NORTH-WEST), ROHINI COURTS, DELHI.*

Bail Application Registration No.2117/18

FIR No.0343/18

U/s. 376 IPC

PS Shalimar Bagh

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07.07.2018

*Present: Sh. Rakesh Kumar, Ld. Addl.Public Prosecutor for State
Sh. Mahesh Kumar, Ld. Counsel for the applicant/accused
Sh. Rajinder Pal Singh, Ld. Counsel for the complainant.
IO SI Bharti in person.*

Arguments heard.

Having regard to the facts and circumstances of the case and the manner in which incident is stated to have happened, I do not find any merit in the bail application. Same is hereby dismissed.

*Sd/-
(Virender Bhat)
Spl. Judge, CBI-01, N/W, Rohini.
Delhi/07.07.2018”*

It is clear that the order is bereft of any reference to the background facts and circumstances of the case and also of reasons. Therefore, it cannot be called a judicial order. This kind of approach cannot be approved of. The bail application is revived on the file of the court of Sessions which shall take it up on 18th July, 2018 and pass a reasoned order dealing with factual matrix after hearing the parties afresh.

The application at hand is disposed of with these observations.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

JULY 17, 2018

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