

FIR No. 91/2018
PS Kotwali
State v. Mohd. Alam
U/s 342/394/397/34 IPC
17.09.2020


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

Sh. Diwakar Chaudhary, Ld. LAC for accused-applicant (through videoconferencing).

Hearing conducted through videoconferencing

This is an application under Section 439 Cr.P.C for grant of regular bail moved on behalf of accused Mohd. Alam in case FIR No.91/2018.

Clarifications obtained. For orders, put up on **19.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.09.2020

FIR No. 214/17
PS Crime Branch
State v. Gulshan
U/s 20/29 NDPS Act

17.09.2020

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

Proxy Counsel for accused-applicant

Hearing conducted through videoconferencing

This is an application under Section 439 Cr.P.C for grant of regular bail moved on behalf of accused Gulshan Kumar in case FIR No.214/2014.

Report is received. Arguments heard in part. Ld. Proxy Counsel for accused-applicant submits that he is not aware of the merits of the case and that the file is not available with him today.

For further consideration, put up on **21.09.2020**.


(Neelofer Abida Perveen)

ASJ (Central) THC/Delhi

17.09.2020

FIR No. 32/2019
PS Prasad Nagar
State v. Yogesh @ Babu
U/s 302/323/241/14/148/149PC & 25 Arms Act

16.09.2020

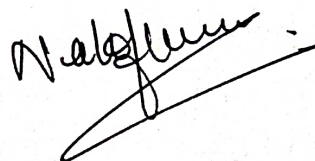
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

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

Hearing is conducted through video conferencing.

This an application under Section 439 CrPC for grant of interim bail on behalf of accused Yogesh @ Babu in case FIR No. 32/2019 on the ground of serious illness of both of his parents.

Ld. counsel for accused-applicant submits that chargesheet in connection with the present FIR has been filed against the accused and others and the charges against the accused-applicant was framed on 13.02.2020 and case was adjourned for 12.05.2020 and 04.06.2020 for prosecution evidence however, due to national lockdown, the trial could not proceed and the same is now fixed for 07.01.2021 and no prosecution witness has been examined till date. That the accused-applicant has been implicated on statement of eye witness I.e. real brother of the deceased and one another witness namely Abhimanyu. That accused-applicant is having his parents and one elder brother namely Raghav, however, parents of the



accused had disowned the elder son in the year 2014 and since then, he is not residing with the parents of the accused-applicant. That old aged mother of the accused-applicant has been suffering from Convulsive Disorder & Enteric Fever and has been advised urgent hospitalization repeatedly. That the father of accused-applicant is old aged and a kidney patient having his Urea and Creatinine levels high and requires dialysis on regular basis and that the mother of the accused-applicant is herself suffering from convulsive disorder and enteric fever and is not in a position to take him to the hospital for dialysis. That elder brother of the accused-applicant has no concern with the old aged parents as he had entered into a love marriage and has been residing at Faridabad.

Ld. APP submits that the case pertains to ~~conviction~~ ^{conviction} of offence u/s 302 IPC and that the accused-applicant has an active role to play though he is not the offender who inflicted the fatal injuries. That the medical record has been verified both in respect of the father and the mother of the accused-applicant. That no previous involvement is being alleged against him.

Heard.

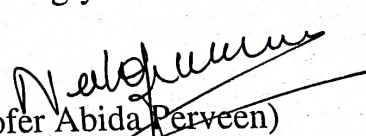
The medical record has been verified. Father of the accused-applicant is suffering from kidney problem and mother of the accused-applicant has also been advised hospitalization for management of convulsive disorder. The elder brother of the accused-applicant is stated to have been disowned and one public notice published in the newspaper



dated 23.07.2014 is annexed with the application. The accused-applicant has clean antecedent and is not alleged to have caused fatal injuries on the person of the deceased.

In such totality of facts and circumstances, 15 days interim bail is granted to the accused-applicant to enable him to take his father for dialysis and further treatment of the kidney problem as also to get his mother hospitalized for further investigations and treatment upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to conditions that he shall mention his mobile phone number, which number it shall be ensured by the accused remains switched on mode throughout the period of interim bail with location activated and shared with the IO at all times. Moreover, once in 24 hours every day, accused-applicant through said mobile phone shall telephonically inform the IO about his whereabouts. That at no time and under no circumstances during this period of interim bail, the accused applicant shall be found within 1 km radius of the residential address of the complainant and shall in no manner attempt even to communicate / contact the complainant or his family, to threaten, intimidate witnesses or interfere with the course of justice or temper the evidence in any manner.

Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.09.2020

FIR No. 122/2019
PS: Crime Branch
State Vs. Triveni Kumar
U/s 20/25/29 NDPS Act

17.09.2020

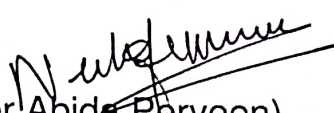
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).

Sh.Karan Kataria, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Triveni Kumar in case FIR No. 122/2019.

Arguments heard. For orders, put up at 4 pm.

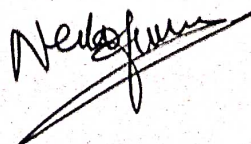

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.09.2020

At 4 pm

ORDER

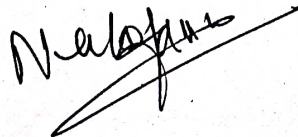
This is an application for grant of regular bail on behalf of accused Triveni Kumar in case FIR No. 122/2019.

Ld. Counsel for accused-applicant contended that on 10.05.2019, the applicant/accused was arrested by the crime



branch by conducting the raid and an F.I.R. no. 122/2019, under section 20/25/29 NDPS Act was registered against him along with other co-accused. That the allegations against the applicant-accused Triveni Kumar are false and frivolous, as the main accused Suman Kumar S/o Manoj Yadav used to purchase the ganja from accused Bijiya Manjhi @ Birju and sell the same to accused Suraj Yadav @ Guddu. That the applicant/accused was not working as a commercial driver and neither holding a commercial driving license and commonly working as labourer in his own village i.e. Village Mansi, District Khagaria, Bihar but sometimes the accused/applicant used to be engaged for driving in marriages in his village. That co-accused Suman Kumar asked the accused to drive the vehicle as he had to go and meet some Netaji for some very urgent work. That accused-applicant has been falsely implicated in the present case and has nothing to do with the alleged recovery. That the accused-applicant was only the driver and had no knowledge that there was ganja inside the alleged vehicle and it was hidden and dumped under the seat. That the applicant/accused is in Judicial Custody since 10.05.2019.

Ld. Addl. PP, on the other hand, submitted that the recovery of 150 Kgs of Ganja from the accused persons falls under commercial category and that rigors of Section 37 of the Act are not satisfied in the present case. That accused-applicant alongwith co-



accused was apprehended on a secret information received by the police of PS Crime Branch. The vehicle used in commission of offence is also seized by the police.

Heard. Perused.

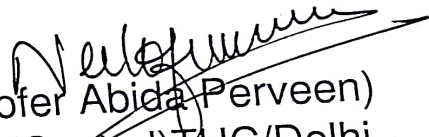
As per the prosecution secret information was received on 10.05.2019 that Triveni Kumar and Suman Kumar resident of Khagari, Bihar are engaged in the trafficking of contraband and on that day also are to come near Vijay Ghat Bus stand to supply Ganja, in pursuance to which a Raiding party headed by SI Ombir Dabas was constituted after reducing the secret information into writing on the directions and instructions of senior officers that apprehended accused Triveni Kumar and Suman Kumar from near Vijay Ghat bus stand and recovered 150 kgs. of ganja which was kept in plastic katta inside Sumo Gold bearing No. UP-65-BU-007. It is the case of prosecution that Triveni Kumar was in the driver seat of Sumo Gold bearing No. UP-65-BU-007 and Suman Kumar was sitting in the front on the seat next to the driver. Co-accused Suman got down the vehicle and took out two plastic kattas from the vehicle and put them on the ground and accused Triveni Kumar from the driver seat side of the car took out one plastic katta and put it down on the ground from the rear seat and sat alongside the other two kattas and after waiting for five minutes, both of them started putting plastic kattas on the rear seat of the car at which they were

N. K. Jaiswal

apprehended. The kattas were found containing Ganja. Each of the kattas weighed 50 kgs and the total recovery alleged against the accused is 150 kgs. Samples were drawn and sent to FSL and as per FSL result are confirmed to be Ganja (Cannabis). Co-accused Vijay Manjhi and Suraj Yadav were subsequently arrested in pursuance to the disclosure statement. Prosecution further relies upon analysis of CDR details interse between Suman, Vijay Manjhi and Suraj and it is also asserted that the mobile phone recovered from the possession of Suman in his personal search is obtained on the ID of co-accused Vijay Manjhi. Ld. Counsel for the accused-applicant contended that as there exists no call details exchanged interse accused-applicant and the co-accused therefore, it has to be concluded in favour of the accused-applicant that he had no knowledge about the presence of the plastic kattas containing ganja inside the Tata Sumo vehicle being driven by him. This circumstance alone however is not sufficient for this court to arrive at a conclusion that the accused-applicant has not committed the offence as it is the case of the prosecution that the accused-applicant along with the co-accused had taken down one of the plastic katta from out of the vehicle and placed it on the road and sat upon it as if laying in ^{at} ~~the~~ ~~weight~~ of somebody and thereafter had put the katta inside the vehicle when the accused-applicant is apprehended with the co-accused Suman Kumar.

N. S. Kumar

^{SA}
commercial quantity of
Case pertains to recovery of contraband. There is no material before this court to arrive at the satisfaction that accused-applicant has not committed the offence and that if released on bail, he is not likely to commit similar offence. No ground is made out to grant bail to accused Triveni Kumar. **Application of the accused-applicant Triveni Kumar for grant of bail in case FIR No.122/2019 is hereby dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.09.2020

FIR No. 88/2019

PS: NDRS

State Vs. Abhishek

U/s 363/365/342/384/323/34 IPC

17.09.2020

ORDER

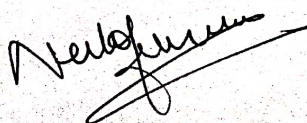
This is an application for grant of regular bail on behalf of accused Abhishek in case FIR No. 88/2019.

Ld. counsel for the accused-applicant has contended that the applicant/accused has been falsely implicated in the present case by the police of P.S. New Delhi Railway Station, and the applicant himself got surrendered to the police from the office of Jasbeer Badana, Near Shaheed Nagar Metro Station, Sahibabad, Ghaziabad, U.P in presence of accused's father and Advocate Sh. Jaideep Kumar at the above office. That the accused has no nexus with the alleged FIR as the name of the applicant/accused is not mentioned in the alleged FIR and has been falsely implicated by the police. That the custodial interrogation has already been completed and no purpose would be served by keeping the accused behind the bar as in the said case, the charge-sheet has already been filed by the I.O. and the accused is in judicial custody for the last 7 months. That the father of the accused is old aged person and his mother had already been expired and his father is suffering from various ailments due to his old age as his right back hip is badly damaged and there is no one to look-after him except the accused and the presence of the applicant/accused with his

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father is necessary due to pandemic Covid-19. That nothing incriminating material has been recovered from the possession of the applicant/accused. That there is no material to connect the accused-applicant to the incident and that the accused-applicant has not been identified as one of the offenders by the complainant and as per the own case of the prosecution, the faces of the offenders are not clearly visible in the CCTV footage of the ATM. That the applicant/accused is quite innocent and is aged about 22 years and having clean antecedents and no case is pending against him except the present case in any court of law. That the applicant/accused is permanent resident and there is no chance of his absconding or tempering with the evidence.

Ld. Addl. PP submits that the accused-applicant alongwith co-accused have committed the offence in pursuance to a well prosecuted conspiracy. Initially, one Ola driver was kidnapped and wrongfully confined and his automobile taken into possession. Thereafter, the complainant who had booked the said stolen vehicle on the Ola app for going to IGI Airport was taken from New Delhi Railway Station, Paharganj side towards IGI Airport but on the way the complainant alongwith the son were overpowered by the accused persons and robbed of Rs.11000/- cash, ATM Card, Laptop and other belongings. The complainant and his son thereafter were abducted and wrongfully confined in a room by the accused persons and were tortured to reveal the pin number of ATM card. It has come in the disclosure statement of co-



accused that accused-applicant was present alongwith the other accused where complainant and his son were wrongfully confined and tortured and it is the accused-applicant who withdrew amount of Rs.1,60,000/- from the bank account of the complainant upon using the debit card with the pin number which was forcibly obtained from the complainant after torturing the complainant. Accused-applicant refused to participate in the judicial TIP.

Heard. Perused.

The present case FIR though is registered on the statement of P.Sant Prasad regarding his abduction / kidnapping along with his minor son, their wrongful confinement and robbery of cash, laptop and ATM cards and withdrawal made from the bank accounts with the use of the same, it also involves the abduction, wrongful confinement, assault and robbery of vehicle driven by Ola cab driver Sattar Khan. From the contents of the chargesheet, it emerges that on 01.11.2019 at around 7:20 p.m, Ola company Taxi no. HR 55 AD 0330 of Ola Cab driver Sattar Khan was booked through mobile phone no. 8799768383 and three persons boarded the said car at Gazipur Depot for Noida but midway ask the Ola cab driver to stop the car showing him pistol and over-powered the Ola cab driver after beating him up. They tied the hands and feet of the Ola cab driver Sattar Khan and drove the cab to an isolated place, took him into a flat and tied him up. Thereafter, on the same date at around 11:30 in the night, the complainant with his son having arrived at New Delhi Railway Station on

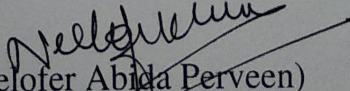
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Bhopal Shatabdi booked the Ola cab to go to the airport and one Ola cab arrived to pick them up. This was the same Ola cab that had been forcibly taken out of the possession of Ola cab driver Sattar Khan after his abduction. On the way near a Pul the driver stopped the cab in order to ease himself and in the meanwhile, three men entered the vehicle and robbed the complainant of his laptop, Rs.11,000/- cash, debit-credit card, they tied up the hands of the complainant and that of his son and covered their eyes and took them to some room and thereafter, left them at Kashmere Gate. Later on, the complainant came to know that amounts were withdrawn by using his debit cards. The accused-applicant is alleged to have entered into a conspiracy with the co-accused to execute this well concerted crime. Though, he is not alleged to be one of the offenders who had initially abducted the Ola driver or the complainant and his son. However, the flat where the Ola driver and the complainant and his son were kept in and wrongfully confined is alleged to belong to the accused-applicant. The accused-applicant is also alleged to have actively participated in the crime as he with another co-accused went to the ATM Booth to withdraw amounts by using the debit cards of the complainant who was coerced into divulging the passwords.

As per the prosecution, accused-applicant with co-accused used debit card of the complainant and withdrew an amount of Rs.1,60,000/- using the PIN forcibly and illegally obtained from the complainant when he was kept under unlawful confinement with his minor

Neharaj

son allegedly in the flat of accused-applicant after their abduction and kidnapping by the co-accused. However, the withdrawal alleged to have been made by the accused-applicant with co-accused alludes to his involvement in this elaborately planned conspiracy and executed professionally by first abducting the Ola cab driver and then looting the unwary passengers. The Ola cab driver is also alleged to have been kept in the same flat. The accused-applicant as a juvenile was involved in a case pertaining to offences of similar nature. The accused-applicant has refused to participate in the TIP though from the CCTV footage, the identity of the offenders could not be conclusively determined as the offenders were careful enough to hide their faces. The facts and circumstances emerging from the investigation are particularly disturbing and quite hair raising. The entire incident has been meticulously planned and executed exhibiting devious daring and criminal bent of mind more likely handiwork of hardened criminal elements accustomed to a life of crime. The regular bail application of the co-accused, who is alleged to have played similar role was dismissed on 23.06.2019. It is therefore, not a fit case for grant of bail to the accused-applicant Abhishek. **Application of the accused-applicant Abhishek for grant of regular bail in case FIR No. 88/2019 is hereby dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
47.09.2020