

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF METROPOLITAIN MAGISTRATE,
CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI.**

**FIR No. 204/2019
PS: Crime Branch
State Vs. Rehan Etc.**

07.07.2020

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Laxmi Narayan Rao, Ld. Counsel for the accused persons has also been joined via Video Conferencing through Cisco Webex.

Ld. Counsel has moved an application via E-mail on behalf of accused persons seeking supply of deficient material from the charge-sheet namely album containing photographs and hard disk from FARO.

Reply of the IO has also been received via E-mail wherein he has sought two weeks time to make the deficiency of documents citing the following nature of documents and situation of lockdown as a reason of non supply of relevant records.

Be that as it may, IO is directed to make deficient copies within one week from today.

Renotify for scrutiny of documents and further proceedings on **14.07.2020**.

Copy of this order be uploaded on the District Courts website forthwith.

**ARUL
VARMA** Digitally signed
by ARUL VARMA
Date: 2020.07.07
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**(Arul Varma)
CMM (Central), Delhi
07.07.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF METROPOLITAIN MAGISTRATE,
CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI.**

FIR No. 145/2019
PS: DBG Road
State Vs. Unknown
Misc. Application

07.07.2020

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Amrik Singh, Ld. Counsel for the applicant has also been joined via Video Conferencing through Cisco Webex.

This is an application received via E-mail as moved by Ld. Counsel Sh. Amrik Singh on behalf applicant Mohan Singh seeking release of Driving License no. **DL-0420100086376** (in the name of applicant Mohan Singh), Certificate of Fitness, Permit No. ERT/IRT/6156 and RC of Vehicle Bearing no. DL-IRT-6156 Wagon R Colour SW, for renewal of permit of vehicle.

Ld. Counsel has contended that the applicant Mohan Singh is not registered owner of vehicle bearing no. DL-IRT-6156 (Wagon R). However, said vehicle is registered in the name of Aniket Anand Rao Mansute and the applicant has been authorized by registered owner to get the documents of the said vehicle released in his favour vide Special Power of Attorney. Copy of SPA has been attached with the application.

Reply of the IO has also been received via E-mail informing that all the documents have been verified and the police has no objection if the said documents are released on superdari to the registered owner.

Considering the entire facts and circumstances, the application is allowed. Concerned SHO/IO is directed to release the above-mentioned documents to the applicant after proper verification of ownership and special power of attorney. Applicant is directed to return all above-mentioned documents including renewed Permit No. ERT/IRT/6156 within three months.

Accordingly, application stands disposed off.

Copy of this order be sent to concerned IO/SHO for necessary intimation and report via official email ID. Copy of this order be uploaded on the District Courts website forthwith.

**ARUL
VARMA**

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ARUL VARMA
Date: 2020.07.07
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(Arul Varma)
CMM (Central), Delhi
07.07.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF METROPOLITIAN
MAGISTRATE, CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI**

FIR No. 127/2016

PS: EOW

State Vs. Vinod Arora

u/s 420/467/468/471/120-B IPC

2nd Bail Application

07.07.2020

File taken up today on second application u/s 437 Cr.PC received through email as moved on behalf of the applicant/accused Vinod Arora for grant of bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State and IO SI Ganpati Maharaj via Video Conferencing through Cisco Webex.
Sh. Sandeep Chaudhary, Ld. Counsel for accused via Video Conferencing through Cisco Webex.

Reply to the second bail application has been received on behalf of the IO through email.

Ld. Counsel for the accused has moved second application for grant of bail to applicant/accused Vinod Arora stating that the accused is in custody since 24.05.2019. He further submitted that chargesheet has been filed as the investigation has been completed and only FSL report is awaited. He further submits that the accused should not be penalized for the fault of investigating agency in not filing the FSL report. Ld. Counsel for accused further submitted that accused has already deposited Rs. 50 Lacs i.e. the alleged cheated amount with the DRT pursuant to initiation of SARFAESI proceedings by the complainant against the accused. Ld. Counsel has submitted that the accused is a senior citizen and has attached the relevant medical documents to contend that he is suffering from heart disease.

Per contra, Ld. App for the State and IO SI Ganpati Maharaj have vehemently opposed the bail application as per law. Ld. APP for the State has relied upon judgment of the Hon'ble High Court of Delhi

in case titled as Sunil Dahiya vs. State (Govt. of NCT of Delhi) decided on 18.10.2016. The relevant paragraphs of the judgment are reproduced here as under:-

49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to influence these investors, other witnesses and the evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences - as observed by the Apex Court, have to be viewed seriously. In [Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation](#), (2013) 7 SCC 439, the Court in Para 34 observed:

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

50. Further, in [State of Gujarat vs. Mohanlal Jitamalji Porwal and Anr.](#), (1987) 2 SCC 364, the Court in Para 5 observed:

"5. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.."

Ld. APP has contended that since it is an economic offence and well planned conspiracy, the accused should not be granted bail. Further, Ld. APP submits that the first bail application of the present accused was dismissed in November 2019 and there has not been any change in the circumstances since then, as to entitle the accused to be

granted bail.

Submissions heard.

A perusal of the records and submissions reveals that the accused has already deposited the total principal amount of Rs. 50 Lacs and only interest amount of approximately Rs. 8 Lacs is pending, and that is the subject matter of civil proceedings between the parties. Accused has been in custody since 24.05.2019, the chargesheet has already been filed, no recoveries have to be effected and all the documentary evidences have been placed on record.

Further, during the course of arguments, Ld. Counsel for the accused has submitted that the judgment cited by the Ld. APP for the State is not applicable in the present case, and the facts are distinguishable in as much as the said judgment pertains to a case where accused has cheated hundreds of investors and further accused therein did not pay any amount to any of the investors. This Court finds force in the submissions of Ld. Counsel for accused. Further, as to the contention regarding change of circumstances, Ld. Counsel has submitted that each day's custody of the accused is a new circumstance, particularly when the trial is being delayed on account of non filing of FSL report.

Thus, keeping in mind the above factors and taking into account the age of the accused and his medical conditions, the present bail application is allowed. Accused Vinod Arora is admitted to bail on his furnishing bail bond in the sum of Rs. 1,00,000/- with two sureties each in the like amount.

Accordingly, application stands disposed off.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID.

The order be also uploaded on the District Courts website

forthwith.

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VARMA
Date: 2020.07.07
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(Arul Varma)
CMM (Central District), Delhi
07.07.2020