

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Om @ Kali s/o Sh. Sanjay.***

Present : Ld. APP for State (through V.C).

Mr. Nikhil Yadav, Ld. LAC for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 08.09.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is a young boy aged about 18 years. It is further submitted that charge-sheet has already been filed in the present matter. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that case property i.e. one *mangalsutra*, two *ear-rings* and one *payal* have been recovered from the possession of applicant/accused. It is further stated that applicant/accused is previously involved in other cases before this Court. It is further stated that the family of applicant/accused has no control over him and he may abscond and commit similar offences again, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the case property has been recovered from the possession of the applicant/accused. It is submitted that the applicant/accused has previous

involvement in other criminal cases before this Court and he may commit similar offences again, if released on bail. Hence, it is prayed that applicant/accused should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Applicant/accused is in J/C since 08.09.2020. Recovery has already been effected and charge-sheet has already been filed in the present matter. Thus, in the considered opinion of this Court, no purpose would be served by keeping applicant/accused behind bars since investigation qua him is complete and he is no more required for any custodial interrogation, Hence, accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

- 1. That the accused person(s) shall join investigation as and when called.**
- 2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the accused person(s) shall not commit similar offence and;**
- 4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.**

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/24.12.2020

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**This is an application for releasing of vehicle bearing No. DL-6S-AZ-2359 on superdari filed by applicant/ AR Sh. Sujeet Thakur.**

Present : Ld. APP for the State (through V.C.).

Sh. R.K.Sharma, Id. Counsel for applicant through V.C.

IO has filed reply to the present application wherein it is stated that IO has no objection to the release of vehicle to the applicant as the vehicle is no more required for the purpose of investigation. Copy of same has been supplied to Ld. Counsel for applicant. Original authority letter has been filed by the AR alongwith the application in his favor. Same is taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **DL-6S-AZ-2359** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

State V/s Naresh @ Kaliya  
FIR No. 028930/20  
P.S. Sadar Bazar  
U/s 379/411 IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*  
**This is an application for releasing of vehicle bearing No. DL-8S-CS-7048 on superdari filed by applicant Smt. Payal.**

Present : Ld. APP for the State through V.C.

Mr. P.K. Garg, Id. LAC for applicant/accused (through V.C).

IO ASI Mukesh joined through V.C.

Reply filed by the IO electronically. Same is take on record. Copy of same has been supplied to Ld. Counsel for applicant electronically. As per the reply, the aforesaid vehicle is deposited in PS DBG Road and not in PS Sadar Bazar.

At this stage, Id. Counsel for applicant wants to withdraw the present application.

Heard. Request stands allowed.

In view of submission, the present application stands dismissed as withdrawn.

Copy of this order be given dasti to the applicant. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**This is an application for releasing of vehicle bearing No. DL-8S-CF-1483 on superdari filed by applicant/ registered owner Sh. Mohd. Arafat Khan.**

Present : Ld. APP for the State through V.C.

Sh. Mohd. Shauib Khan, Ld. Counsel for applicant joined through V.C.

Reply filed by the IO electronically. Same is take on record. Copy of same has been supplied to Ld. Counsel for applicant electronically. As per the reply, the above said vehicle is not deposited in PS Sadar Bazar.

At this stage, ld. Counsel for applicant, wants to withdraw the present application.

Heard. Request stands allowed.

In view of submission, the present application stands dismissed as withdrawn.

Copy of this order be given dasti to the applicant. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mohd. Shahrukh s/o Sh. M.D. Raish.***

Present : Ld. APP for State (through V.C).  
Mr. Rahul Verma, Id. Counsel for applicant/accused (through V.C).  
IO HC Ram Pal Singh through V.C.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. In the reply, the IO has stated that bail application of applicant/accused has been dismissed twice by this Court vide order dated 10.11.2020 & 08.12.2020.

However, perusal of record reveals that applicant/accused has already been granted bail by this Court vide order dated 08.12.2020. Upon oral query made by this Court, IO submits that the same has been mentioned inadvertently and he has subsequently filed another reply electronically, wherein it is stated that applicant/accused has been granted bail by this Court vide order dated 08.12.2020.

At this stage, Id. Counsel for applicant/accused wants to withdraw the present application.

Heard. Request stands allowed. At request of Ld. Counsel for applicant/accused, the present bail application stands dismissed as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/24.12.2020

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex. This is an application for releasing of mobile **make MI** on superdari filed by applicant Sh. Narender Singh.*

Present : Ld. APP for the State through V.C.  
None for applicant through V.C.

In compliance of previous order, reply on behalf of IO filed electronically. Copy of same has been sent to applicant. It is stated that at the time of registration of FIR, applicant had stated his father's name as Keshar Singh, however, upon checking the I.D. of applicant, it has been revealed that his father's name is Kehar Singh. In view of the same, it is stated that IO has no objection in releasing the mobile phone to its real owner, Sh. Narender Singh s/o Sh. Kehar Singh / Keshar Singh.

For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application which reveals that his father's name is Kehar Singh.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of **make MI** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

  
(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/24.12.2020

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.*

**This is an application for releasing of vehicle bearing No. HR-55-U-1008 on superdari filed by applicant/authority holder, Sh. Amit Anand.**

**Present : Ld. APP for the State through V.C.**

**Sh. Amit Anand, applicant joined through V.C.**

It is submitted by the applicant that this Court had allowed release of vehicle bearing registration No. HR-55-U-1008 on superdari vide order dated 03.12.2020. It is submitted that the registered owner of vehicle namely, Sh. Dhiraj Saluja is a permanent resident of Mumbai, Maharashtra and hence, is unable to come physically to take the possession of vehicle from Malkhana due to the ongoing COVID 19 pandemic and hence, he has authorized the applicant who is his cousin vide letter of authority to take possession of the vehicle from IO concerned.

The letter of authority in favour of applicant is annexed alongwith the application.

In view of submissions made by applicant, IO concerned is directed to release the vehicle on superdari to the applicant, subject to verification of letter of authority in favour of applicant. Rest of the conditions imposed vide the order dated 03.12.2020 shall remain the same.

Scanned copy of this order be sent to Counsel for applicant and to IO/SHO concerned through email. One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.

  
**(SHIVLI TALWAR)**  
MM-06(C)/THC/Delhi/24.12.2020



State Vs. Karan  
State Vs Faiz  
FIR No. 0346/20  
PS Sadar Bazar  
U/s 3/14 Child Labour Act, 75/79 JJ Act,  
16/17/18 B.L.S. Act & 374 IPC

24.12.2020

**Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.**

Present : Ld. APP for the State (through V.C.).

Sh. Ayub Ahmed Qureshi, Id. Counsel for applicant through V.C.

IO SI Jitender Joshi also joined through V.C.

Two separate applications for release of juveniles namely, Karan and Faiz have been moved electronically on behalf of mother of the juveniles/applicant. Ld. Counsel for applicant submits that both these children were eye witnesses to the rescue operation.

Two separate replies have been filed by IO to the present applications. Copies of the same have been supplied to Ld. Counsel for applicant electronically.

In the said replies, it is stated that a joint Child/ Bonded Labour Rescue Operation was carried out under the leadership of SDM Karol Bagh and representatives of the Labour Department (Central District), Delhi Police, NGO Salaam Balak Trust conducted on 02.12.2020 at 11109, Gali Chamra Wali, Motia Khan, Pahar Ganj, Delhi – 110055 and during the raid 19 Child/bonded laborers have been rescued from said premises. It is further stated that as per the order of Child Welfare Committee, the rescued children were sent to Children Home for Boys, Quarantine Centre, Lajpat Nagar, Delhi -25 for 14 days. It is further stated that restoration of the rescued children to their parents has to be done by Child Welfare Committee – 3, Sewa Kutir Complex, Kingsway Camp, Delhi.

In view of the same, the present applications are not maintainable before this Court and accordingly, stand dismissed. Ld. Counsel for applicant is at liberty to approach competent authority for release of the juveniles.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/24.12.2020

State V/s Manish  
FIR No. 481/20  
P.S. Civil Lines  
U/s 392/411/34IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Manish s/o Sh. Ram Kumar.***

Present : Ld. APP for State (through V.C).

Mr. Nikhil Yadav, Ld. LAC for applicant/accused (through V.C).

IO ASI Ravinder also joined through V.C.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused has no role to play in the present offence and he was merely a passerby who was implicated by the police alongwith the other three accused persons. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that even otherwise, recovery was effected on the day of incident itself. It is further submitted that co-accused Sonu has been granted bail by this Court vide order dated 21.12.2020. It is further submitted that the past antecedents of the applicant/accused are clean and he has not been previously involved in any other case. It is further submitted that the applicant/accused is in J/C since 14.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that applicant/accused gave false names and addresses to IO during investigation. It is further stated that name and address of applicant/accused has not been verified yet and he may abscond, if released on bail.



Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature and he gave false names and addresses to the IO during investigation. It is further submitted that since name and address of applicant/accused is not verified, he may abscond and misuse the liberty granted to him, if released on bail. Hence, it is prayed that he should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Allegations against the applicant/accused are grave and serious in nature. As per reply of IO, name and address of applicant/accused is not verified, hence, there is possibility that applicant/accused may abscond, if released on bail. Thus, considering the totality of facts and circumstances, this Court does not deem it fit to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

State Vs. Vinay  
FIR No. 111/9  
PS Sadar Bazar  
Case No.14951/19  
U/s 279/338 IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.*

Present : Ld. APP for the State through V.C.  
Mrs. Snehlata, Ld. Counsel for applicant/ accused through V.C.

Three separate applications have been moved on behalf of applicant/accused for cancellation of superdari of vehicle bearing no. DL-3C-AQ-4525, release of his driving license and release of his RC which are attached with the case file.

Put up for consideration on the above said applications on 05.01.2021 ( physical hearing day).

Copy of this order be given dasti to the applicant. One copy of order be uploaded on CIS.

  
(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/24.12.2020

State V/s Naresh @ Kaliya  
FIR No. 028930/20  
P.S. Sadar Bazar  
U/s 379/411 IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*  
**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Naresh @ Kaliya s/o Sh. Raj Kumar.***

Present : Ld. APP for State (through V.C).

Mr. P.K. Garg, Id. LAC for applicant/accused (through V.C).

IO ASI Mukesh joined through V.C.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that even otherwise, recovery has already been effected in the present matter and the applicant/accused is no more required for any custodial interrogation. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is a permanent resident of Delhi. It is further submitted that the applicant/accused is in J/C since 08.12.2020 and investigation qua him is already complete. It is further submitted that the applicant/accused is the sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the case property i.e. stolen scooty was recovered from the possession of applicant/accused. It is further stated that applicant/accused is involved in many other cases of a like nature and he may commit similar offences again, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the case property i.e. stolen scooty has been recovered from the



possession of the applicant/accused. It is submitted that the applicant/accused has previous involvement in many cases of a like nature and he may commit similar offences again, if released on bail. Hence, it is prayed that he should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Perusal of record reveals that previous bail application of applicant/accused was dismissed by this Court vide order dated 16.12.2020. No change of circumstance has been pointed out by Ld. Counsel for applicant/accused, entitling him to the grant of bail.

Considering the antecedents of applicant/accused and the circumstances that investigation of the case is still at an initial stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

State Vs. Lokender Singh Kushwaha  
FIR No. 562/20  
PS Civil Lines  
U/s 186/353/332 IPC

24.12.2020

**Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.**

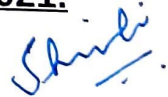
Present : Ld. APP for the State (through V.C.).

IO ASI Ravinder joined through V.C.

Status report regarding the injuries sustained by accused Lokender Singh Kushwaha has been filed by IO. Same is taken on record.

Report perused. It is stated that accused was over powered with the help of public persons and during the same, he sustained some minor injuries as mentioned in the ME No. 8612/20. It is stated that during the ME proceedings, accused himself narrated that he was beaten by the public and he did not raise any kind of allegations against any person during his production before the Court.

However, the report filed by IO does not seem satisfactory to the Court, accordingly, let notice be issued to DCP concerned with direction to look into the matter and file the report with respect to the same on **06.01.2021.**



(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/24.12.2020

State V/s Vinayak Vikas Jadhav  
FIR No. 249/16  
P.S. Sadar Bazar  
U/s 419/420/120B/34 IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Vinayak Vikas Jadhav s/o Sh. Vikas Jadhav.***

Present : Ld. APP for State (through V.C).

Mr. Manoj Kumar Yadav, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused himself is a victim at the hands of other persons who used him in the commission of alleged crime without his knowledge. It is further submitted that IO has taken no step to trace out the main conspirators in the present matter namely, Raja and Asad. It is further submitted that applicant/accused has been arrested only on the basis of disclosure statement of his co-accused, Tejas Yashwant Parmar. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 25.10.2020. It is further submitted that charge-sheet has already been filed and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant is young boy aged 23 years and is sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Fresh reply has been filed by IO electronically to the bail application of applicant/accused in compliance of the previous order. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. In the reply, it is stated that co-accused Tejas Yashwant Parmar disclosed the name and

*Shruti*



address of applicant/accused during interrogation. During interrogation, applicant/accused disclosed that in year 2016, he apprised his friend/co-accused Tejas Yashwant Parmar that some person is having black money and he wants to convert the same into white money. He will transfer the amount in bank and the account holder has to hand over his debit card and pin number and he will receive 5 % of the amount transferred in his account for his services. Accordingly, on 11.07.2016, he took the debit card, pin number and blank cheque of co-accused Tejas Parmar. Thereafter, Rs. 1 lac was transferred in the account of co-accused Tejas Parmar. Applicant/accused alongwith his associates Raja and Asad withdrew the amount of Rs. 97,000/- from the account of co-accused Tejas with the help of debit card. Rs. 3,000/- were kept in the account and Rs. 2000/- were given in cash to co-accused Tejas for his services. Applicant/ accused further disclosed that he does not know the whereabouts of co-accused persons Raja and Asad. It is further stated that applicant/accused was found previously involved in another case bearing FIR No. 98/16, U/s 417/419/420/468/471 IPC and 66 C/66 D IT Act, PS Cyber Crime, Hyderabad, in which he also cheated the complainant with similar modus operandi. It is stated that applicant/accused alongwith co-accused Tejas cheated the complainant to the tune of Rs. 1 lac. It is further stated that applicant/accused does not have a permanent address in Delhi and he may abscond, if released on bail. It is further stated that applicant/accused had already jumped bail in case FIR No. 98/16 and NBWs were issued against him on 23.09.2020.

In rebuttal, Ld. Counsel for applicant/accused submits that summons were issued against applicant/accused in FIR No. 98/16 after filing of charge-sheet and no NBWs were issued against the applicant/accused in the said FIR. It is also submitted by Ld. Counsel that merely because applicant/accused has no permanent address in Delhi should not dis-entitle him to the grant of bail as he has permanent address in Maharashtra and is ready to furnish sound surety before the Court, if bail is granted to him.

Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is submitted that applicant/accused was actively involved in the commission of crime and has committed online fraud by cheating the company in which the complainant Amar Nath was working as Account Manager by hacking its e-mail account. It is further submitted that the applicant/accused was absconding and could be arrested after a period of more than four year with great deal of efforts by the local police and he does not have a permanent address in Delhi and he may abscond, if released on bail. It is further submitted that the applicant/accused is also found previously involved in one similar case of cheating, wherein he alongwith co-accused cheated the victims in similar manner. It is further submitted that further custody of applicant/accused is required to trace out co-accused persons Raja and Asad. Hence, it is prayed that applicant/accused should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Perusal of record reveals that bail application u/s 437 Cr.P.C. of applicant/accused was dismissed by Ld. Predecessor of this Court on 04.11.2020 and bail application u/s 439 Cr.P.C. was also dismissed by Ld. Sessions Court vide order dated 07.11.2020.

Allegations against the applicant/accused are grave and serious in nature. It is stated by IO that applicant/accused withdrew the amount of Rs. 97,000/- by using the debit card of co-accused Tejas Parmar. He left Rs. 3000/- in the account of co-accused as agreed between them. There is prima facie material showing the involvement of applicant/accused in the present matter. This Court does not find any merit in the arguments raised on behalf of applicant/accused that he himself is a victim at the hands of other persons since he has not lodged any written complaint whatsoever with any forum/ authority



from the year 2016 when this online cheating was committed till date, which is not expected from any reasonable and prudent person. Furthermore, as observed by Ld. Sessions Court while dismissing bail application of applicant/accused vide order dated 07.11.2020, the conduct of applicant/accused is found to be malafide since he was absconding for about 4 years and is shown to have been arrested by local police after putting in immense efforts and with the help of technical surveillance. Furthermore, applicant/accused is also shown to have been previously involved in one more case of similar nature committed by using same modus operandi.

Reply filed by IO also reveals that applicant/accused jumped bail in FIR No. 98/16 PS Cyber Crime, Hyderabad and NBWs were issued against him. Since the applicant/accused was absconding for about four years, this Court is of the considered view that there is likelihood of applicant/accused absconding, if enlarged on bail. Thus, considering the antecedents of the applicant/accused, gravity of alleged offence, seriousness of the allegations and the manner in which the offence is shown to have been committed, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020

State V/s Lakhinder Singh  
FIR No. 562/20  
P.S. Civil Lines  
U/s 186/332/353 IPC

24.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.*

**Joined through Video conferencing.**

***The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Lakhinder Singh s/o Sh. Mahesh Singh.***

Present : Ld. APP for State (through V.C).

Mr. Pradeep Dabas, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no injury was suffered by the complainant. It is further submitted that the past antecedents of the applicant/accused are clean and he has not been previously involved in any other case. It is further submitted that the applicant/accused is in J/C since 22.12.2020 and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is a taxi driver who belongs to a poor family and he is the sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that when complainant ASI Jitender Singh tried to stop the applicant/accused for violation of traffic rules, the applicant/accused did not follow his instructions and tried to run away and when the complainant tried to stop his taxi, applicant/accused dragged the complainant on his car's bonnet for around 500 meters.

Ld. APP for the State has opposed the bail application on the ground that the applicant/accused caused hindrance in public duty of a traffic police official and dragged the complainant on his car's bonnet for around 500 meters. It is submitted that such a conduct is not expected from a reasonable person, specially when he is a commercial driver. It is further submitted that two passengers were also sitting in the taxi at the time of incident. It is further submitted that the investigation of the case is still at an initial stage. Hence, it is prayed that he should not be released on bail.



I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Applicant/accused is a taxi driver and is stated to be the sole bread earner of his family. Perusal of the previous involvement report filed by IO reveals that applicant/accused is a first time offender. There is no requirement of custodial interrogation of applicant/accused in the present matter. Hence, this Court does not deem it fit to keep the applicant/accused behind bars any longer. Hence, applicant/accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

- 1. That the accused person(s) shall join investigation as and when called.**
- 2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the accused person(s) shall not commit similar offence and;**
- 4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.**

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Id. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/24.12.2020