

State V/s Anuj
FIR No. 342/20
P.S. Civil Lines
U/s 25/54/59 Arms Act

10.12.2020

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 on Cisco Webex.

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

Mr. Sana-Ur-Rehan, Ld. LAC alongwith applicant/surety Ms. Kiran
(through V.C.).

Accused appeared physically before the Court in the morning, however, since it is a virtual court hearing day, he was directed to join the virtual hearing but he did not joined the virtual hearing.

Accordingly, at request of Ld. LAC for applicant/surety, matter be put up for **11.12.2020 (physical Court hearing)**.

Let fresh notice be issued to accused to appear in person before the Court for tomorrow.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/10.12.2020

State V/s Tinku Sharma
e-FIR No. 27933/20
P.S. Civil Lines
U/s 379/411/34 IPC

10.12.2020

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 Tinku Sharma s/o Sh. Rakesh Sharma.

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

Mr. Parvez Alam, Id, Counsel for applicant/accused (through V.C).

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

It is submitted by Ld. Counsel for applicant/accused that he wants some time to address arguments in the present bail application.

Heard. At request, be put up for arguments on the bail application on **11.12.2020.**

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/10.12.2020

FIR NO. 0516/20
P.S. Civil Lines
U/s 279/304A IPC

10.12.2020

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 10 CE 4596 on superdari filed by applicant/ registered owner Ms. Deepti Raman.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.

Ms. Deepti Raman, applicant/ registered owner alongwith Ld. Counsel
Sh. Shrey Kumar Attri, through V.C.

Reply filed by IO / ASI Gulzar Hussain electronically. Copy of the same has been sent to Ld. Counsel for the applicant. IO, in his reply, has stated that the vehicle bearing No. DL 10 CE 4596 is the offending vehicle involved in the alleged accident. It is further stated that mechanical inspection of the vehicle has been conducted and DL, RC and insurance of said vehicle have been verified and found to be correct. Insurance policy of the vehicle is valid till 13.06.2021. It is further stated that the ownership of the vehicle has been verified from the concerned authority and as per the verification report, same is registered in the name of Ms. Deepti Raman. IO submits that the investigation qua the vehicle is complete and he has no objection, if the same is released on superdari.

The applicant has sent the scanned copy of RC and insurance policy of vehicle in question. For the purpose of identity, scanned copy of Adhar card of applicant is also sent alongwith the application.

In these circumstances and as per directions of Hon'ble High Court of Delhi in matter of "Manjit Singh Vs. State" in Crl. M.C. No. 4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant/ registered owner subject to the following :-

1. Vehicle in question be released to applicant / registered owner only subject to furnishing of indemnity bonds as per the valuation of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.

Shinde

2. IO shall prepare detailed panchanama mentioning the colour, Engine number, Chassis number, ownership and other necessary details of the vehicle.

3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.

4. The photographs should be attested and counter signed by the complainant/ applicant and accused.

5. IO is directed to verify the RC, insurance and DL of vehicle issued in favour of applicant prior to release of the vehicle.

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/10.12.2020

State V/s Mohd. Ali
FIR No. 270/20
P.S. Sadar Bazar
U/s 380/411/34 IPC

10.12.2020

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. Ali s/o Sh. Mohd. Shakir.

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

Mr. Nikhil Yadav, Id. 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 previously involved in any other case. It is further submitted that the applicant/accused is in J/C since 02.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Ld. Counsel for applicant/ accused has placed reliance upon judgment in case titled as "**Sanjay Chandra Vs CBI**" (2012) 1 SCC 40 in support of his plea of grant of bail to the applicant/accused. 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 complainant alleged that on 01.11.2020, at 10.00 am, the complainant and her daughter were sleeping and had put their mobile phones on charging. At about 05.00 pm, the complainant heard someone's voice and when she woke up, she saw her neighbour/ the applicant/accused who then went away. Thereafter, she saw that both the mobile phones were not there. It is further stated that the applicant/accused accepted his involvement in the present case and case property i.e. Oppo 8 12 & Vivo Y-91 were recovered from his possession.

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 which prima facie points out to his active involvement in the present offence. It is further submitted that offence committed by applicant/accused is serious in nature as Section

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380 IPC is punishable with imprisonment up to 7 years. Thus, it is prayed that applicant/accused shall 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.

Considering the submissions made and the circumstances that applicant/accused is in J/C since 02.11.2020, recovery has already been effected and past antecedents of the applicant/accused are clean, I am of the considered view that no purpose would be served by keeping the applicant/accused behind bars. 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 Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.


(SHWETA TALWAR)

MM-06(C)/THC/Delhi/10.12.2020

10.12.2020

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 on Cisco Webex.

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

Mr. Bhanu Mohan, Ld. Counsel for applicant (through V.C.).

This is an application for releasing of vehicle bearing No. DL-8S-CA-9327 on superdari was filed by applicant on 28.11.2020.

Reply filed by the IO. Same is take on record. As per the reply of IO, in compliance of the previous order, he has verified the authority letter as well as ownership of the vehicle in question. It is also stated that the vehicle in question is no more required for the purpose of investigation.

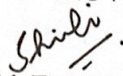
The applicant has sent the scanned copy of RC of vehicle in question. For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

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 CrI. 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-8S-CA-9327** be released to the applicant/rightful owner/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/rightful owner/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/10.12.2020

Inquest proceedings
Vicky @ Punjabi S/o Roshan Lal

10.12.2020

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.

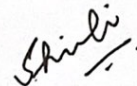
None has joined through Video conferencing on Cisco Webex.

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

IO is absent.

Let notice be issued to IO concerned to appear in person before the

Court on **11.12.2020.**



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/10.12.2020

State V/s Meena
FIR No. 502/20
P.S. Civil Lines
U/s 21/61/85 NDPS Act

10.12.2020

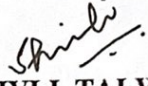
Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing on Cisco Webex.

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

ASI Gulzar Hussain appeared physically in the Court.

Be put up for further proceedings on **11.12.2020** (physical hearing day).


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/10.12.2020

FIR NO. 456/20
P.S. Civil Lines

10.12.2020

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 5S AX 3682 on superdari filed by applicant/ registered owner Sh. Jitender Kumar.

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

Sh. Jitender Kumar, applicant through V.C.

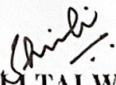
Reply filed by the IO. Same is take on record. As per the reply, IO has no objection to the release of vehicle to its registered owner/applicant as the vehicle is no more required for the purpose of investigation.

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 CrI. 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 5S AX 3682** 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.


(SHIVE TALWAR)

MM-06(C)/THC/Delhi/10.12.2020

State V/s Mohd. Rehan & Ors.
FIR No. 204/19
P.S. Sadar Bazar
U/s 308/34 IPC

10.12.2020

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 on Cisco Webex.

This is an application moved on behalf of applicant/accused Mohd. Furkan for release of the jamatalashi articles.

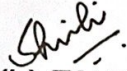
Present: Sh. Vikram Dubey, Ld. APP for the State (through V.C.)

Sh. Arvind Kumar, Ld. Counsel for applicant/accused (through V.C.)

Reply filed by the IO electronically. Copy of the same has been sent to Ld. Counsel for applicant/accused electronically.

Perusal of record reveals that the present jamatalashi application pertains to FIR No. 204/19 U/s 308/34 IPC, however, reply filed by IO pertains to FIR No. 204/20 U/s 379/411 IPC.

It is observed that IO had filed wrong reply to the present application on 09.12.2020 as well, let notice be issued to him to file fresh/ correct reply to the present application positively on 11.12.2020.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/10.12.2020

FIR NO. 342/20
P.S. Sadar Bazar

10.12.2020

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 an amount of Rs. 7500/- on superdari filed by applicant electronically.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Sh. Ahmad, applicant alongwith Ld. Counsel Sh. Santosh Shukla through V.C.

Reply on behalf of IO filed electronically. Copy of same has been sent to applicant. As per the reply the case property i.e. cash worth Rs. 7500/- recovered during the course of investigation from the possession of accused persons and IO has no objection to its release to its rightful owner/ applicant as it is no longer required for investigation purpose.

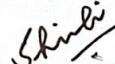
Instead of releasing the case property on superdari, I am of the considered view that the same has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**"

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.**"

Accordingly, since the above said case property is not required for the purpose of investigation, SHO/IO concerned is directed to release the same on furnishing of security bond in a sum of Rs. 7500/- to the applicant/rightful claimant. However, it is directed that before the release of cash amount SHO/IO shall prepare a detailed punchnama of the currency notes with their number and denomination and shall also take the photographs of the currency notes. The said photographs shall further be attested or countersigned by the complainant/applicant, accused as well as the person to whom the custody shall be handed over and a memo of the proceedings be also prepared which shall also be signed by the parties and the witnesses if any. A copy of entire proceedings be also placed on record in the judicial file.

The applicant/superdar is further directed that in case some other person turns to be a claimant of cash amount released to the applicant and establishes his ownership over the same then the applicant shall be liable to redeposit the above said amount in the court and in failure of the same the security bond furnished by him shall stand forfeited and he shall be liable to pay the amount specified in the security bond in the court.

Application 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 SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/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/10.12.2020

State V/s Aftab
FIR No. 34620/19
P.S. Sadar Bazar
U/s 379/411/34 IPC

10.12.2020

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 Aftab s/o Sh. Jahangir.

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

Mr. Nikhil Yadav, Id. 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 by Ld. counsel that even otherwise, recovery has already been effected in the present matter. 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 08.05.2020. Ld. Counsel for applicant/accused has placed reliance upon judgment in case titled as "**Sanjay Chandra Vs CBI" (2012) 1 SCC 40** in support of his plea of grant of bail to the applicant/accused. It is further submitted by Ld. Counsel for applicant/accused that 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 case property i.e. stolen motorcycle bearing registration No. DL 1S AB 1199 has been recovered from the possession of applicant/accused. It is further stated that applicant/accused is not a permanent resident of Delhi. It is stated that the applicant/accused may abscond, threaten/ intimidate the complainant/ witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused is previously involved in two other cases of a

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similar nature. It is further submitted that applicant/accused has no permanent address in Delhi and he may commit similar offences again, if released on bail. Thus, it is prayed that the applicant/accused shall 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.

Considering the submissions made and the circumstances that applicant/accused is in J/C since 08.05.2020, recovery has already been effected, investigation qua the applicant/accused is almost complete and applicant/accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the applicant/accused behind bars. 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 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/10.12.2020

State V/s Rohan
FIR No. 320/20
P.S. Civil Lines
U/s 392/394/34 IPC

10.12.2020

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 Rohan s/o Sh. Chinu.

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

Mr. Nitin Gupta, 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 has been arrested on the basis of a disclosure statement. It is further submitted that no recovery has been made from or at the instance of accused despite police remand of the applicant/accused. It is further submitted that recovery of the robbed amount, Rs.5 lacs has in fact been made from Pawan Kumar, Head Constable, PS Kotwali who has been released on bail. It is further submitted that the applicant/accused is a young boy aged 22 years. 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 CCTV footage cannot be relied upon as the same has not been filed along-with the reply and it has not been seen by the Court. It is further submitted that the accused is in JC since 15.08.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Charge-sheet has been filed in the present case. 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 accused refused to participate in the TIP proceedings. It is

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mentioned in the reply that the CCTV footage dated 06.08.2020 installed at outer Ring Road, Behind Shanti Van, clearly shows the applicant and his co-accused, Sumit being intercepted by the police official of PS Kotwali. The present applicant/accused ran away. The robbed cash of Rs.5 lacs was later on recovered from one Delhi Police Official, Pawan Kumar Tyagi on 18.08.2020. The present accused along-with co-accused Sanjay was arrested by the Special Staff of South District u/s. 41.1(D) Cr. P.C. vide DD No.93A dated 14.08.2020. Thereafter, they have been formally arrested in the present case on 17.08.2020. It is stated that co-accused Vikash @ Rohit is still absconding and scooty bearing registration No. DL-3S-EJ-3176, TVS NTORK as disclosed by co-accused Sanjay is yet to be recovered. It is further stated that accused is a habitual offender and an active participant in the offence and the offence is heinous in nature.

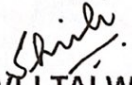
Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is further submitted that the CCTV footage shows that applicant/accused alongwith his co-accused Sumit was intercepted by the police official of PS Kotwali after committing the alleged offence. It is submitted that the disclosure statement of accused and his co-accused, Sumit led to recovery of money from Head Constable Pawan Kumar. It is further submitted that the fact that the accused refused to undergo TIP indicates that he was involved in the commission of the present offence. It is further submitted that applicant/accused did not cooperate during investigation and further custody of applicant/accused is required to trace out co-accused Vikash @ Rohit who is still absconding and to recover the motorcycle. Hence, it is prayed that the applicant/accused shall 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.

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There are specific allegations against the accused in the present case. Accused has refused to participate in TIP proceedings. It is mentioned in the reply of IO that there is CCTV footage showing the accused being intercepted by the police. There are chances that if the accused is released on bail, he may threaten the complainant/witnesses. Further custody of accused is required to trace out co-accused Vikash @ Rohit who is still absconding and to recover the motorcycle. Furthermore, the present FIR has been registered u/s. 392/394/411 IPC and Section 394 IPC is punishable with up to imprisonment for life. Bail application of applicant/accused was dismissed by this Court vide order dated 27.11.2020. No change of circumstance has been pointed out by Ld. Counsel for applicant/accused, entitling applicant/accused to be released on bail. Hence, considering the gravity of the offence and seriousness of the allegations, this Court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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/10.12.2020

State V/s Ajay
FIR No. 395/20
P.S. Civil Lines
U/s 379/411 IPC

10.12.2020

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 Ajay s/o Sh. Bhawani Deen.

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

Mr. Nikhil Yadav, Id. 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 by Ld. Counsel that the complainant has failed to identify the applicant/accused during TIP proceedings. 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 30.10.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Ld. Counsel for applicant/ accused has placed reliance upon judgment in case titled as "**Sanjay Chandra Vs CBI**" (2012) 1 SCC 40 in support of his plea of grant of bail to the applicant/accused. 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 complainant failed to identify the applicant/accused during TIP proceedings. It is further stated that IO concerned is going to file application for release of applicant/accused before Court on 10.12.2020 i.e. today and hence, IO has no objection if bail is granted to the applicant/accused.

Ld. APP for the State has opposed the bail application on the ground that further custody of applicant/accused is required to trace out co-accused Jai

Shinde

who has not yet been arrested.

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.

Considering the submissions made and the circumstances that applicant/accused is in J/C since 30.10.2020, complainant failed to identify the applicant/accused in TIP proceedings and IO in his reply has mentioned that he has no objection to grant of bail to the applicant/accused, this Court does not find any necessity of keeping the applicant/accused in custody. 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/10.12.2020

State V/s Rohit Singh @ Rohit
FIR No. 342/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

10.12.2020

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 Rohit Singh @ Rohit s/o Sh. Laxman Singh.

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

Mr. Ayub Ahmed, 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 and was apprehended by police officials from his house. 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 applicant /accused's name is not mentioned in the said FIR. 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 02.12.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Ld. Counsel for applicant/accused prays for grant of bail to the applicant/accused as it is his cousin sister's marriage today.

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 is a habitual offender and BC of PS Sadar Bazar. It is further stated that the applicant/accused may abscond, threaten/ intimidate complainant and witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused is a habitual offender and is previously involved in many criminal cases and he may commit similar offences again, if released on bail. Thus, it is prayed that applicant/accused shall 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 habitual offender and BC of PS Sadar Bazar. Investigation of the case is still at an initial stage. Thus, considering the antecedents of the applicant/accused, 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/10.12.2020

State V/s Sanjay Mandal
FIR No. 236/20
P.S. Sadar Bazar
U/s 20 NDPS Act

10.12.2020

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 Sanjay Mandal s/o Sh. Ram Swaroop.

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

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

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

At this stage, it is submitted by Ld. Counsel for applicant/accused that he wants to withdraw the present bail application.

Heard. Request stands allowed.

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

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/10.12.2020

State V/s Ajay @ Anta & Vijay @ Lala
e-FIR No. 0395/20
P.S. Civil Lines
U/s 379/34 IPC

10.12.2020

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 on Cisco Webex.

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

IO ASI Gulzar Hussain in person.

An application for issuance of production warrants against accused persons namely, Ajay @ Anta & Vijay @ Lala has been moved by IO concerned.

Put up for consideration on 11.12.2020.

IO is directed to appear in person before the Court for tomorrow.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/10.12.2020