

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

FIR No. 157/2020

PS: DBG Road

State Vs. Nitish, S/o Sh. Ramesh Kumar

U/s. 392/411 IPC

Bail Application

09.09.2020

**Proceedings of this matter has been conducted via
Video Conferencing through Cisco Webex.**

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Nitish, S/o Sh. Ramesh Kumar, for grant of regular bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Yash Wahi, Ld. Counsel for accused has been joined via Video Conferencing through Cisco Webex.

Reply of IO has been received through E-mail.

Ld. Counsel has contended that applicant/accused is an innocent and has been falsely implicated in the present case by the IO with the connivance of complainant and he is in JC since 28.06.2020. It is further submitted that name of applicant/accused is not mentioned in the FIR. It is submitted that the present FIR is false, frivolous and manipulated. It is further submitted that investigation of the case is almost complete and that no purpose would be served in detaining the accused any further. It is also

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submitted that applicant/accused has no previous involvement record. It is prayed that accused may be released on bail.

Ld. APP for the State has vehemently opposed the bail application as per law, and has stated that accused has committed robbery of cash Rs. 18,000/- and a mobile with help of other co-accused persons. He has also submitted that the scooty used in the commission of offence has also been recovered. Ld. APP further submitted that the bail application of the applicant/accused should be dismissed.

Submissions heard. Reply of IO as well as contents of bail application perused.

A perusal of record reveals that as per the prosecution version, the complainant was playing cricket and 03-04 boys came and surrounded them and committed offence of robbery. However, from statements of other victims, it was concluded that there were 06-07 robbers. As per the reply of IO, the robbery took place at about 05:30 PM in park which is supposed to be a public place. The reply of IO does not reveal whether the accused was identified by the complainant. Further, at the instance of accused Nitish, scooty allegedly used in the commission of offence has already been recovered. As per the report of IO, accused is not previously involved in any other case.

Considering the facts and circumstances of the case, the Court is of the view that accused is in JC since

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28.06.2020, and that there is no previous involvement of the accused in any other case, therefore, the accused is admitted to bail on furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of the concerned Jail Superintendent.

This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

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.


(Arul Varma)
CMM (Central), Delhi
09.09.2020