

Dr. Sanjay Agrawal Vs. Dr. Veena Choudhury

CC No. 520256/2016

PS : I. P. Estate

21.07.2020

Present: Ms. Minakshi Agrawal Ld. Counsel for complainant (through VCC over Cisco Webex)

ऋषभ कपूर
RISHABH KAPOOR
म. नगर पंचायत-3
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Ris Hazari Courts, Delhi

Case taken up for hearing through VCC over Cisco Webex at 2:34 PM.

Matter was fixed for arguments on point of summoning for today, vide *enbloc* dates given on account of Covid-19 pandemic. Same is taken up through VCC through in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

On 20.07.2020 the instructions were given to Sh. Manoj Kumar (Assistant Ahlmad) to contact counsel for complainant and coordinate for scheduling the hearing through VCC over Cisco Webex.

Assistant Ahlmad had informed that counsel for Complainant is willing to advance arguments through VCC over Cisco Webex application.

Today i.e on 21.07.2020, the case record was sent to the residence of undersigned by Sh. Awdhesh Kumar Rai (Reader).


Arguments on point of summoning heard.

Put up for clarifications, if any and orders on **06.08.2020 at 2:00 PM.**

It is clarified that if the normal functioning of courts does not resume till next date, be listed for purpose fixed through VCC over Cisco Webex at scheduled time.

Scanned Copy of this order is being sent to Sh. Awdhesh Kumar Rai (Reader) through whatsapp/email for transmitting it to counsel for applicant, electronically and also for uploading on CIS.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
21.07.2020

Cr. Case No. 293923/2016
State Vs. Bhupender Rai @ Bablu
FIR No. 416/2007
PS : DBG Road

ऋषभ कपूर
RISHABH KAPOOR
महानगर न्यायाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

21.07.2020

Present: Ld. APP for State (through VCC over Cisco Webex)
None for accused persons, despite intimation

Case taken up for hearing through VCC over Cisco Webex at 3:00 PM.

Matter was fixed for arguments on charges for today, vide *enbloc* dates given on account of Covid-19 pandemic. Same is taken up through VCC through in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

On 20.07.2020 the instructions were given to Sh. Manoj Kumar (Assistant Ahlmad) to contact counsel for accused persons and coordinate for scheduling the hearing through VCC over Cisco Webex.

Assistant Ahlmad had informed that counsel for accused persons is willing to advance arguments through VCC over Cisco Webex application.

Today i.e on 21.07.2020, the case record was sent to the residence of undersigned by Sh. Awdhesh Kumar Rai (Reader).

However, today the counsel for accused persons has not joined the hearing despite intimation.


Sh. Awdhesh Kumar Rai (Reader) has informed that the counsel for accused persons Sh. Madhukar is also not responding to telephonic calls, made on his mobile no.9650939895, by the Reader.

Hence, no effective hearing could be done in the matter.

Accordingly, matter stands adjourned for purpose fixed on 23.09.2020.

Scanned Copy of this order is being sent to Sh. Awdhesh Kumar Rai (Reader) through whatsapp/email for transmitting it to counsel for applicant, electronically and also for uploading on CIS.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
21.07.2020

State Vs. Sandeep Kumar

FIR No.141/2020

PS Rajender Nagar

ऋषभ कपूर
RISHABH KAPOOR
 महानगर दण्डाधिकारी-03
 Metropolitan Magistrate-03
 केन्द्रीय जिला कमरा नं. 150
 Central District, Room No. 150
 तीस हजारी न्यायालय, दिल्ली
 Tis Hazari Courts, Delhi

21.07.2020

Present: Sh. Vakil Ahmed Ld. APP for State (through VCC over Cisco Webex)

Sh. Mukesh Kumar Ld. Counsel for applicant/accused (through VCC over Cisco Webex)

IO/SI Vinod Kumar (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application at 1:14 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 20.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

Scanned copy of reply of under the signatures of IO/SI Vinod Kumar is received through email id of the court. Copy already stands supplied to counsel for applicant/accused, electronically.

The present application has been moved for grant of bail to applicant/accused u/s 439 Cr.PC. Ld. Counsel for applicant submits that due to typographical mistake instead of S. 437 Cr.PC, S. 439 Cr.PC. has been inadvertently mentioned.

This order shall dispose of the bail application moved on behalf of **applicant/accused Sandeep Kumar.**

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the no recovery has been effected from the applicant/accused. It is further averred that the accused was not present at the alleged spot of occurrence and said fact can be verified by

[Signature]
 21/07/2020.


examining the footage of CCTV Camera installed at the spot of occurrence. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

Ld. Counsel for applicant submits that applicant is undergoing custody since 14.06.2020 in connection with present case FIR. He further submits that the applicant/accused has already been admitted on bail in case FIR No. 139/2020 and FIR No. 146/2020 both at PS Rajender Nagar, vide orders of learned Court of Sessions. It is further submitted that the bail applications of applicant/accused in aforesaid case FIR No.139/2020 and 146/2020 at PS Rajender Nagar, were dismissed by this court considering the apprehension qua tampering of evidence by accused, if he is enlarged on bail. But in both said case FIRs, the application/accused has been admitted on bail by learned Court of Sessions, whereby a condition has been imposed that applicant will not influence the witnesses. It is also submitted that the present FIR lacks specificity of allegations as name of applicant/accused is nowhere mentioned in same. It is also submitted that applicant/accused has old aged parents to look after and considering the outbreak of Covid-19 pandemic, he be enlarged on bail.

Per Contra, Ld. APP for State submits that applicant/accused has refused the TIP in the present case and as such he is a habitual offender. It is also submitted that the investigation in the case is still not complete and charge sheet is yet to be submitted. Hence, the applicant/accused be not released on bail.

On perusal of the scanned copy of previous conviction/involvement report received along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused/applicant Sandeep Kumar has been shown to have complicity in respect of case FIR No.151/2014 u/s 33 Delhi Excise Act, Case FIR No. 44/2014 u/s 33 Delhi Excise Act both at PS Ranjit Nagar, case FIR No. 168/2018 u/s 379/411IPC, Case FIR No. 164/2018 u/s 379/411 IPC both at PS Inder Puri, Case FIR No. 139/2020 u/s 356/379/34 IPC and Case FIR No. 146/2020 u/s



21/07/2020

356/379/411/34 IPC both at PS Rajender Nagar. Through a catena of judgments including ***State through CBI Vs. Amaramani Tripathi (2005) 8SCC21***, it has been held that amongst other factors, the considerations such as character, behaviour, means position and standing of the accused, alongwith likelihood of offences being repeated, serves as vital consideration for deciding the grant of bail or refusal to bail to the accused.

If that be so, the apprehension of prosecution that if enlarged on bail, the applicant/accused will commit the offences of like nature or will harm the complainant, appears to be well justified.

Furthermore, as regards the arguments advanced on behalf of the applicant qua the alleged false implication of accused and also qua lack of specificity of allegations against him in FIR, are concerned, it is pertinent to mention that such matters are to be dealt with during the course of the trial and as such, at the time of adjudicating upon the application in hand, same does not appear to be vital. In this context, it becomes pertinent to mention the observations made by Hon'ble Apex Court in ***Anil Kumar Yadav vs. State (NCT) of Delhi (2018) 12 SCC 129***, wherein it was observed that it is by now well settled that at the time of considering an application for bail, the court must take into account certain factors such as existence of a prima facie case against the accused, the gravity of allegations, the position and status of the accused, the likelihood of accused fleeing from justice and repeating the offence, the possibility of tampering with the witnesses and obstructing the courts as well as the criminal antecedents of the accused. It is also well settled that the court must not go deep in the merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused.

In view of discussion made above, this court is of the firm view that no ground for grant of bail is made out to the **accused/applicant Sandeep**. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.


21/07/2020

Scanned copy of this order is being sent to Sh. Awdhesh Kumar Rai (Reader) through whatsapp/email for transmitting the same to the counsel for applicant and IO concerned, electronically, and for necessary compliance.

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(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
21.07.2020