Bail Appl. No. 700/20 FIR No.123 /2020

PS : Hauz Qazi

U/S: 498A/406/34 IPC Smt. Vijeta Sarswat Vs State

06.08.2020 At 10:50 AM

Present:

Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Ankur Gupta, Ld. Counsel for the applicant/ accused.

Complainant in person alongwith Ld. Counsel Sh. Manoj Sharma. IO SI SI Narender Baisla (No. D-5012/C, PS Hauz Qazi) is

present.

The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to Order

No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District

& Sessions Judge (HQs), Delhi.

IO submits that he has received certain documents from the

complainant only yesterday and now, he shall proceed to Jaipur to record the

statements of other witnesses.

Upon query, IO submits that he has not applied for permission to arrest

the applicant/ accused till now and he shall do so after recording the statements

of the witnesses residing/ available in Jaipur.

In the facts and circumstances, matter stands adjourned for 18.08.2020.

A copy of this order be uploaded on the official website of Delhi District

Courts.

Bail Appl. No. 703/20 FIR No.123 /2020

PS: Hauz Qazi

U/S: 498A/406/34 IPC Shakti Sharma Vs State

06.08.2020 At 10:50 AM

Present:

Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Ankur Gupta, Ld. Counsel for the applicant/ accused.

Complainant in person alongwith Ld. Counsel Sh. Manoj

Sharma.

IO SI SI Narender Baisla (No. D-5012/C, PS Hauz Qazi) is

present.

The matter has been taken up through Video Conferencing by means of

Webex Meet.

The present bail application has been taken up in pursuance to Order No.

15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions

Judge (HQs), Delhi.

IO submits that he has received certain documents from the

complainant only yesterday and now, he shall proceed to Jaipur to record the

statements of other witnesses.

Upon query, IO submits that he has not applied for permission to arrest

the applicant/ accused till now and he shall do so after recording the statements

of the witnesses residing/ available in Jaipur.

In the facts and circumstances, matter stands adjourned for 18.08.2020.

A copy of this order be uploaded on the official website of Delhi District

Courts.

Bail Appl. No. 704/20 FIR No.123 /2020

PS : Hauz Qazi

U/S: 498A/406/34 IPC

**Sunil Sarswat Vs State** 

06.08.2020 At 10:50 AM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Ankur Gupta, Ld. Counsel for the applicant/ accused.

Complainant in person alongwith Ld. Counsel Sh. Manoj

Sharma.

IO SI SI Narender Baisla (No. D-5012/C, PS Hauz Qazi) is

present.

The matter has been taken up through Video Conferencing by means of Webex

Meet.

The present bail application has been taken up in pursuance to Order No.

15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions

Judge (HQs), Delhi.

IO submits that he has received certain documents from the

complainant only yesterday and now, he shall proceed to Jaipur to record the

statements of other witnesses.

Upon query, IO submits that he has not applied for permission to arrest

the applicant/ accused till now and he shall do so after recording the statements

of the witnesses residing/ available in Jaipur.

In the facts and circumstances, matter stands adjourned for **18.08.2020.** 

A copy of this order be uploaded on the official website of Delhi District

Courts.

Bail Appl. No. 705/20 FIR No.123 /2020

PS : Hauz Qazi

U/S: 498A/406/34 IPC

**Surya Kant Sharma Vs State** 

06.08.2020 At 10:50 AM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Ankur Gupta, Ld. Counsel for the applicant/ accused.

Complainant in person alongwith Ld. Counsel Sh. Manoj

Sharma.

IO SI SI Narender Baisla (No. D-5012/C, PS Hauz Qazi) is

present.

The matter has been taken up through Video Conferencing by means of

Webex Meet.

The present bail application has been taken up in pursuance to Order No.

15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions

Judge (HQs), Delhi.

IO submits that he has received certain documents from the

complainant only yesterday and now, he shall proceed to Jaipur to record the

statements of other witnesses.

Upon query, IO submits that he has not applied for permission to arrest

the applicant/ accused till now and he shall do so after recording the statements

of the witnesses residing/ available in Jaipur.

In the facts and circumstances, matter stands adjourned for 18.08.2020.

A copy of this order be uploaded on the official website of Delhi District

Courts.

Bail Appl. No. 798/20

FIR No. 103/19

**PS: Hazrat Nizamuddin Railway Station** 

U/S: 304/34IPC

Ritesh Kumar Vs State

06.08.2020

At 01:30 PM

Fresh bail application u/s 438 Cr.PC has been moved on behalf of the applicant/ accused Ritesh Kumar. It be checked and registered.

Present:

Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Vikas Walia, Ld. Counsel for the applicant/ accused

Ritesh Kumar.

IO Insp. Shiv Charan Meena (No. D-669, ATO Nizamuddin

Railway Station) is present.

The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has filed a preliminary status report today while stating that he has received the copy of the bail application of the applicant/ accused only today. Copy of the preliminary status report may be supplied to the Ld. Counsel for the applicant/ accused.

At request, be put up for arguments on **19.08.2020**. A proper reply be filed by the IO on the next date of hearing.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Appl. No. 796/20

FIR No. 34/2020 PS: Karol Bagh

U/S: 392/394/397/324/34 IPC

State Vs. Ritik

06.08.2020

At 1:55 PM

Fresh second bail application U/s 439 CrPC has been moved on behalf of the applicant/ accused Ritik. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Rajesh Dua, Ld. Counsel for the applicant/ accused.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Part submissions have been heard.

At request, be put up for further arguments on **13.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Appl. No. 797/20

FIR No. 71/2020 PS : Karol Bagh

U/S: 392/420/34 IPC State Vs. Ritik

06.08.2020

At 01:55 PM

Fresh second bail application U/s 439 CrPC has been moved on behalf of the applicant/ accused Ritik. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Rajesh Dua, Ld. Counsel for the applicant/ accused.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Part submissions have been heard.

At request, be put up for further arguments on 13.08.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Appl. No. 795/20

FIR No. Not Known PS: Kamla Market

U/S : Not Mentioned

Salahuddin Mirza Vs State

06.08.2020 At 11:45 AM

Fresh application U/s 438 CrPC for grant of anticipatory bail has been moved on behalf of the applicant/ accused Salahuddin. It be

checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Vinay Rathi, Ld. Counsel for the applicant/ accused

Salahuddin Mirza

The matter has been taken up through Video Conferencing by

means of Webex Meet.

The present bail application has been taken up in pursuance to

Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued

by Ld. District & Sessions Judge (HQs), Delhi.

SHO PS Kamla Market has sent in a report to the effect that there

is no complaint pending against the applicant/ accused in PS Kamla

Market.

In these circumstances, the present bail application of the

applicant/ accused Salauddin stands disposed of. File be consigned to

record room, as per rules.

A copy of this order be uploaded on the official website of Delhi

District Courts.

Bail Appl. No. 794/20 FIR No. 010599/2020

PS: Rajinder Nagar U/S: 379/411/34 IPC

State Vs. Prem @ Bunty

06.08.2020 At 12:02 AM

Fresh application U/s 439 CrPC has been moved on behalf of the applicant/ accused Prem @ Bunty for grant of bail alongwith alternate interim relief. It be checked and registered.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Rishi Kant Mishra, Ld. Counsel for the applicant/

IO ASI Jaiveer Singh Malik (No. D-466/C, PS ) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has sent in reply. IO submits that he has already filed the charge-sheet in the present matter.

It is stated by the Ld. Counsel for the applicant/ accused that the entire allegations leveled against the applicant/ accused in the present FIR are false and fabricated. Ld. Counsel for the applicant/ accused has further submitted that the applicant/ accused is languishing in judicial custody since 07.06.2020. It is further submitted that co-accused has already been granted bail. A prayer has been made for grant of bail to the applicant/ accused.

Ld. APP for the state opposes the prayer for grant of bail to the applicant/ accused.

\*\*Contd/--\*\*

This court has considered the rival submissions. Co-accused has already been admitted to bail. Charge-sheet has already been filed in the court concerned. Applicant/ accused is no longer required for the purpose of investigation. The trial is most likely to get prolonged on account of unabated spread of COVID-19. Without commenting on the merits of the present case, the applicant/ accused Prem @ Bunty is admitted to bail on furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent, subject to following conditions:-

- the applicant/ accused shall not influence the witnesses; a)
- b) the applicant/ accused shall not leave Delhi without permission of the concerned Court;
- the applicant/ accused shall also provide his as well as his c) surety's mobile number to the IO/ SHO immediately upon his release and shall mark his attendance in police station through audio or video mode on every Monday between 10 a.m. to 6 p.m.

The bail application stands disposed of accordingly.

A copy of this order be sent/ transmitted to the Ld. MM concerned and Jail Superintendent for information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Appl. No. 630/20 FIR No. 30/2020

PS : Rajinder Nagar

U/S: 452/307/34 IPC & 25 Arms Act Abhay Arora Vs State

06.08.2020 At 12:10 AM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Mukesh Kalia, Ld. Counsel for the applicant/ accused. IO SI Ali Akram (No. D-5508, PS Rajinder Nagar) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused submits that the party has taken the brief from him and fresh vakalatnama is likely to be filed today on behalf of applicant/accused. He requests that he be discharged from the present matter. As such, Sh. Mukesh Kalia, Ld. Counsel for the applicant/ accused stands discharged from the present matter.

The Reader of this Court reports that fresh vakalatnama has been filed, but Ld counsel for the applicant/ accused has telephonically submitted that he would not be able to join the proceedings today.

In these circumstances, matter stands adjourned for 17.08.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Appl. No. 771-20 FIR No. 30/2020 PS: Rajinder Nagar

State Vs. Sushil Kumar @ Sillu

U/S: 120B/387/506 IPC

06.08.2020

At 01:15 PM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. M.P. Sinha, Ld. Counsel for the applicant/ accused. IO SI Ali Akram (No. D-5508, PS Rajinder Nagar) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Part arguments have been heard.

At request, be put up for further arguments on 10.08.2020.

A copy of this order be uploaded on the official website of Delhi District Courts.

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19 PS: Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

06.08.2020

At 11:20 AM

Present: Sh. Manoj Garg, Ld. Addl. PP for the State.

Sh. Gopal Sharma, Ld. Counsel for the applicant/ accused.

Sh. Navin Gupta, Ld. Counsel for the complainant.

IO SI Ranvir Pal (No. D-4793, PS Prasad Nagar) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Submissions have been heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/06.08.2020 (K)

Contd....

:1:

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19

PS : Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

06.08.2020 At 04:00 PM

ORDER ON THE SECOND APPLICATION MOVED ON BEHALF OF APPLICANT/ ACCUSED AMRESH MISHRA U/S 438 CrPC FOR GRANT OF ANTICIPATORY BAIL

Present: None.

The matter has been taken up through Video Conferencing by means of Webex Meet.

Matter is fixed for orders.

Brief facts, as per the present FIR, are that the complainant and his wife were interested in purchasing an immovable property in south Delhi in the name of Mrs. Anju Gupta (wife of the complainant). The complainant was introduced to applicant/ accused Amresh Mishra by one Vishnu Bhagat. Applicant/ accused Amresh Mishra helped the complainant to zero-in upon the property belonging to one Shubham Dubey (co-accused in the present FIR). Complainant was assured that the said property is free from all encumbrances. On the assurances given by the applicant/ accused as well as said Shubham Dubey, a deal was struck between the parties for purchase

Contd....1/8

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19 PS: Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

of said property for a sum of Rs. 1.35 Crores and an Agreement to Sell was duly executed between said Shubham Dubey and complainant's wife Mrs. Anju Gupta. With mutual consent, 22.08.2019 was fixed as the day for execution of Sale Deed in favour of Mrs. Anju Gupta by the said Shubham Dubey at the office of Sub-Registrar, Mehrauli, Delhi. Draft sale deed was also approved by the parties and Stamp papers worth Rs. 5,40,000/- were duly purchased by Mrs. Anju Gupta. However, no sale deed could be executed on 22.08.2019 due to some exigency shown by Shubham Dubey. Thereafter, with mutual consent, the day falling on 03.09.2019 was fixed for execution of the sale deed. On 03.09.2019. Shubham Dubey came to the office of Sub-Registrar alongwith coaccused Vikramjeet Sheriya and requested the complainant to transfer the consideration amount in his bank before the execution of sale deed. A sum of Rs. 1.33 Crores approximately was transferred from the bank account of Mrs. Anju Gupta to the bank account of said Shubham Dubey. Thereafter, the said Shubham Dubey and Vikramjeet Sheriya vanished from the office of Sub-Registrar without executing any sale deed. Complainant alleges that the applicant/ accused Amresh Mishra still assured him that either he would get the property transferred Contd....2/8

: 3: Bail Application No. 458/20

Filing No. 1352/20 FIR No.255 /19

PS : Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

in favour of Mrs. Anju Gupta or he would facilitate the return of the

amount paid to said Shubham Dubey. Complainant alleges that the

applicant/ accused merely gained time by assuring transfer of property or

return of their money. It is alleged that the applicant/ accused Amresh

Mishra is in fact the main accused who has played fraud upon the

complainant and his wife with his accomplices namely Shubham Dubey

and Vikramjeet Sheriya.

Ld. Counsel for the applicant/ accused Amresh Mishra submits

that he is totally innocent and in fact he should be made a witness by the

police in the present case. Ld. Counsel submits that his bonafides are

clearly made out from the complaint he lodged with PS Prasad Nagar

vide DD no. 41 dated 03.09.2019 whereby he (applicant/ accused

Amresh Mishra) has disclosed all the facts quite sometime before the

registration of present FIR. Ld. Counsel further submits that the police

did not take any action on his complaint dated 23.09.2019 and remained

silent till the present complainant came forward with his own version. Ld.

Counsel submits that the applicant/ accused is not liable

Contd....3/8

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19

**PS : Prasad Nagar U/S : 420/406/120-B IPC** 

State Vs. Amresh Mishra

for the commission of offence of cheating as the actual fraud was played upon by the said Shubham Dubey and Vikramjeet Sheriya. Ld. Counsel further submits that the applicant/ accused Amresh Mishra is in fact a whistle blower in this case. Ld. Counsel further submits that nothing is to be recovered at the instance of the applicant/ accused. Accordingly, it is prayed that the applicant/ accused may be granted anticipatory bail.

Ld. APP submits that this is the second application moved by the applicant/ accused Amresh Mishra. It is submitted that the first such application was dismissed by the Ld. ASJ on 26.02.2020. It is further submitted that the wife of applicant/ accused Amresh Mishra and said Shubham Dubey availed a loan of Rs. 4.5 Crores in the year 2018 against the property which was subsequently proposed to be sold to Mrs. Anju Gupta in the year 2019. However, the complainant and his wife were kept in dark about the said loan/encumbrance and which fact further corroborates that applicant/ accused Amresh Mishra and the said Shubham Dubey were well known to each other since long. It is further submitted that co-accused Vikramjeet Sheriya has transferred a sum of Rs. 3 Lakhs to the bank account of the daughter of

Contd....4/8

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19 PS: Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

applicant/ accused Amresh Mishra which amount is a part of cheated money and which fact corroborates the prior acquaintance of applicant/ accused Amresh Mishra with co-accused Vikramjeet Sheriya. It is further submitted that the applicant/ accused Amresh Mishra is involved in 04 similar cases, including one registered by CBI, wherein he has adopted a similar modus- operandi to cheat public. The Ld. APP further submits that no fresh ground has arisen since the dismissal of last anticipatory bail application moved by the applicant/ accused Amresh Mishra on 26.02.2020. It is further submitted that the applicant/ accused was given an interim relief, in the form of directions staying the execution of NBWs issued by the Ld. MM concerned, on 13.03.2020 in the present application by the ld. ASJ purely for the reason that the applicant/ accused made a request for settling the matter in Mediation Cell. Ld. APP submits that since the matter has not been settled, nor the applicant/ accused has made any effort to return the money cheated from the complainant and his wife, the applicant/ accused is not entitled to enjoy the interim relief. Ld. APP submits that applicant/accused is merely gaining time by misleading the court by repeatedly referring to his

Contd....5/8

Bail Application No. 458/20 Filing No. 1352/20 FIR No.255 /19

PS : Prasad Nagar

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

complaint dated 23-09-2019, whereas the said argument has already been turned down by the Ld. ASJ at the time of dismissal of first anticipatory bail application. A prayer has been made for rejection of the present application. Similar submissions have been made on behalf of the complainant by his counsel while opposing the present bail application.

This court has considered the rival submissions. Admittedly, the present bail application has been filed by the applicant/ accused Amresh Mishra after the dismissal of his first application on 26.02.2020 by the court of Ld. ASJ vide a detailed order. However, the Ld. Counsel for the applicant/ accused Amresh Mishra has not been able to put forth any new grounds while addressing arguments before this Court. All the arguments raised today were also raised before the Ld. ASJ who rejected the same & dismissed first such application of applicant/accused on 26-02-2020. Accordingly, it could be safely observed that there is nothing new in the present arguments. No fresh grounds for grant of relief have been argued today on behalf of applicant/accused. Rather than joining the investigation, the applicant/ accused has been avoiding

Contd....6/8

:7:

Bail Application No. 458/20 Filing No. 1352/20

FIR No.255 /19

**PS: Prasad Nagar** 

U/S: 420/406/120-B IPC State Vs. Amresh Mishra

the police so much so that NBWs had to be issued against the

applicant/ accused by the Court of Ld. MM concerned. Investigation in

the matter is already delayed. Custodial interrogation of the applicant/

accused seems necessary to unearth the exact conspiracy and also to

recover the cheated money. In view of the above, I am not inclined to

grant anticipatory bail to applicant/ accused Amresh Mishra at this stage.

Accordingly, the present application stands dismissed. Consequently, all

the interim orders stand vacated. File be consigned to record room, as

per rules.

A copy of this order be uploaded on the official website of Delhi

District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/06.08.2020 (K)

At 04.10 P.M.

Present: None.

At this stage, it has been brought to the notice of the undersigned

that an application moved by the co-accused **Shubham Dubey (bearing Bail** 

Contd....7/8

:8:

Bail Application No. 458/20 Filing No. 1352/20

FIR No.255 /19

**PS : Prasad Nagar U/S : 420/406/120-B IPC** 

State Vs. Amresh Mishra

Application No. 387/20) is tagged alongwith the bail application titled as

State Vs Amresh Mishra. Ahlmad is directed to separate the file.

It is reported by the Reader of this Court that Ms. Tanya Bhatia

telephonically made request in the above mentioned application titled as State

Vs Shubham Dubey at about 01.05 PM to mark her presence in the aforesaid

application moved on behalf of the applicant/accused Shubham Dubey.

However, the file was not traceable in the morning session and as such her

presence was not marked earlier.

Be as it may, put up the aforesaid bail application titled as State

Vs Shubham Dubey on 17/08/2020.

Ms. Tanya Bhatia, Advocate may be informed telephonically about

the next date of hearing.