

State Vs. Gaurav  
FIR No.185/2020  
PS: Rajender Nagar

25.08.2020

*Matter heard through VCC over Cisco Webex.  
Case is taken up in view of directions of Hon'ble High Court vide office order  
No. 322/RG/DHC/2020 dt. 15.08.2020.*

Present: Sh. Vakil Ahmed Ld. APP for State  
Sh. Rajeev Singh, Ld. counsel for applicant/accused  
IO/SI Vinod Kumar in person

*The present urgent application was filed on behalf of the applicant  
on email id of this court.*

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

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of *applicant/accused Gaurav*.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is a further averred that the custodial interrogation of the applicant/accused is no more required, nor any recovery is left to be effected from him. It is further averred that applicant is sole bread earner of his family and is having responsibility to maintain his old and ailing mother. With these averments prayer is made for enlarging applicant on bail.

Ld. APP for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.


In the present case, the applicant was arrested for the offences u/s 379/411/34 IPC. As per reply filed by IO/SI Vinod Kumar, the recovery of allegedly stolen vehicle i.e. Champion and 20 cartons of rubber gloves has already been effected, in the present case. It is also not disputed that applicant/accused is the first time offender having no previous criminal antecedents. As the recovery of the case property has already been effected from the accused, coupled with the fact that the accused has never been involved in any of the offences, and as such is having clean previous antecedents, therefore, there does not exist any apprehension that if enlarged on

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bail, he will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for the investigation purposes. Even otherwise also, the presence of the accused during the course of remaining investigation, if any, as well as during trial can be ensured by taking sufficient sureties undertaking to ensure his presence. If so, in the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court In Sanjay Chandra versus CBI (2012) 1SCC 40, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant is hereby ordered to be enlarged on bail, subject to following conditions;


  
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- 1 That the applicant shall furnish personal and surety bonds in the sum of *sum of Rs.20,000/- each*, to the satisfaction of *Ld. Duty MM (on court duty)*.
- 2 That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
- 3 That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
- 4 That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
- 5 That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
- 6 That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in) , for necessary information and compliance.

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  
25.08.2020

FIR No. 112/20  
State Vs. Shahbuddin  
PS Rajender Nagar

25.08.2020

(Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High Court of  
Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

**Present:** Ld. APP for the State.  
Sh. Arun Saxena, Ld. counsel for applicant/accused.  
IO/SI Ali Akram in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Ali Akram is also received through email. Copy already stands supplied to applicant, electronically.


Heard. Record perused.

This order shall dispose of the bail application u/s 437 Cr.P.C. moved on behalf of applicant/accused Shahbuddin.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the recovery effected from the accused is planted one. It is further averred that the applicant by police by conniving with one Afzal who wants to forcibly take the Jhuggee of applicant. It is further averred that police has falsely applicant in seven other criminal cases. It is further averred that accused is having two minor children to look after and as such has no involvement in the present case. 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.

On perusal of the previous conviction/involvement report appended in the record, it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 302/20 u/s 380/411 IPC, PS Krishna Nagar and FIR No. 144/20 u/s 356/379/411 IPC, PS Nabi Karim. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears


  
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to be well justified.

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

Scanned copy of this order be sent to counsel for applicant and IO/SHO concerned, electronically for necessary compliance.

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  
25.08.2020

State Vs. Ankit @ Ashu  
FIR No. 140/2020  
PS I.P. Estate

25.08.2020

(Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High Court of  
Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

**Present:** Ld. APP for the State.  
Sh. S.K. Pandey, Ld. Counsel for applicant.  
IO/SI Narender Kumar in person.

The present application was filed through email. Scanned copy of  
reply under the signatures of IO/SI Narender Kumar is also received through email.  
Copy already stands supplied to applicant, electronically.

As per the reply filed by the IO, the accused has not been arrested in  
the present case FIR.


At this stage, Ld. Counsel for applicant/accused submits that he  
wishes to withdraw the present application.

In view of the aforesaid submissions, the present application is  
dismissed as withdrawn.

Application stands disposed off.

Scanned copy of this order be sent to counsel for applicant and  
IO/SHO concerned, electronically for necessary compliance.

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  
25.08.2020

FIR No.189/20  
PS Rajinder Nagar  
State Vs. Ravi Mishra (through applicant Girja Shankar)

25.08.2020

(Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High Court of  
Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

**Present:** Ld. APP for the State.  
Sh. Atul Guglani, Ld. Counsel for applicant.  
IO/ASI Daryao Singh in person.

The present application was filed through email. Scanned copy of reply under the signature of IO/ASI Daryao Singh is received through email copy already stands supplied to counsel for applicant, electronically.

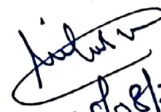
This order shall dispose off application for release of vehicle DL 6SBA 4562, moved on behalf of applicant Girja Shankar.

In reply received under the signatures of IO/ASI Daryao Singh, it has been stated that the aforesaid vehicle was used by accused Ravi Shankar in commission of alleged offence of theft. IO has further stated that the vehicle in question is registered in the name of applicant Girja Shankar and same has been used by accused in various other offences. IO has raised objection qua release of vehicle in applicant's favour stating that same may be used in further commission of offences.

The applicant has sent the scanned copy of RC of vehicle for the purposes of identity.

There is no supporting material on record justifying the apprehension of the IO that if the vehicle is released in favour of applicant, same may be used for commission of further offences. The vehicle cannot be kept impounded in police custody merely on the basis of vague apprehensions of IO.

On perusal of the report of IO and documents appended with the application, the applicant Girja Shankar appears to be the registered owner of the vehicle in question. If that be so, he prima facie appears to be

  
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entitled for the custody of the vehicle in question.

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

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.
2. IO shall prepare detailed panchnama mentioning the colour, Engine number, Chasis 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 chasis 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 and insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

Scanned copy of this order be sent to counsel for applicant and IO/SHO concerned through email.

One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.

  
(RISHABH KAPOOR)  
MM-03(Central),THC,Delhi  
25.08.2020



FIR No. 144/20  
State Vs. Ajruddin  
PS I.P. Estate

**25.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.**

**Present:** Ld. APP for the State.

None for applicant/accused.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Pratap Singh is received through email.

Copy stands supplied to counsel for applicant, electronically.

As per reply filed by IO, the accused has already been released in the present case FIR pursuant to order dt. 13.08.2020 passed by Ld. Duty MM.

Copy of order dt. 13.08.2020 passed by Ld. Duty MM is also perused. Perusal of same reveals that accused has already been released in the present case for want of any incriminating evidence against him.

In such circumstances, as the accused has already been released for want of any incriminating evidence against him in the present case, therefore, the present bail application moved on behalf of accused is hereby dismissed as infructuous.

Application stands disposed off.

Copy of this order be sent to counsel for applicant/accused and IO/SHO concerned through email.

One copy of this order be also sent to Computer Branch, THC, for uploading it on Delhi District Courts Website.

  
**(RISHABH KAPOOR)**  
**MM-03(Central),THC,Delhi**  
**25.08.2020**

FIR No. 137/20  
State Vs. Ajruddin  
PS I.P. Estate

**25.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.**

**Present:** Ld. APP for the State.

None for applicant/accused.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Pratap Singh is received through email.

Copy stands supplied to counsel for applicant, electronically.

As per reply filed by IO, the accused has already been released in the present case FIR pursuant to order dt. 13.08.2020 passed by Ld. Duty MM.


Copy of order dt. 13.08.2020 passed by Ld. Duty MM is also perused. Perusal of same reveals that accused has already been released in the present case for want of any incriminating evidence against him.

In such circumstances, as the accused has already been released for want of any incriminating evidence against him in the present case, therefore, the present bail application moved on behalf of accused is hereby dismissed as infructuous.

Application stands disposed off.

Copy of this order be sent to counsel for applicant/accused and IO/SHO concerned through email.

One copy of this order be also sent to Computer Branch, THC, for uploading it on Delhi District Courts Website.

  
**(RISHABH KAPOOR)**  
MM-03(Central),THC,Delhi  
25.08.2020

FIR No. 135/20  
State Vs. Ajruddin  
PS I.P. Estate

**25.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.**

**Present:** Ld. APP for the State.

None for applicant/accused.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Pratap Singh is received through email.

Copy stands supplied to counsel for applicant, electronically.

As per reply filed by IO, the accused has already been released in the present case FIR pursuant to order dt. 13.08.2020 passed by Ld. Duty MM.


Copy of order dt. 13.08.2020 passed by Ld. Duty MM is also perused. Perusal of same reveals that accused has already been released in the present case for want of any incriminating evidence against him.

In such circumstances, as the accused has already been released for want of any incriminating evidence against him in the present case, therefore, the present bail application moved on behalf of accused is hereby dismissed as infructuous.

Application stands disposed off.

Copy of this order be sent to counsel for applicant/accused and IO/SHO concerned through email.

One copy of this order be also sent to Computer Branch, THC, for uploading it on Delhi District Courts Website.

  
**(RISHABH KAPOOR)**  
MM-03(Central),THC,Delhi  
25.08.2020

FIR No. 127/20  
State Vs. Ajruddin  
PS I.P. Estate

25.08.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

**Present:** Ld. APP for the State.

None for applicant/accused.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Deepak Kumar is received through email.

Copy stands supplied to counsel for applicant, electronically.

As per reply filed by IO, the accused has already been released in the present case FIR pursuant to order dt. 13.08.2020 passed by Ld. Duty MM.

Copy of order dt. 13.08.2020 passed by Ld. Duty MM is also perused. Perusal of same reveals that accused has already been released in the present case for want of any incriminating evidence against him.

In such circumstances, as the accused has already been released for want of any incriminating evidence against him in the present case, therefore, the present bail application moved on behalf of accused is hereby dismissed as infructuous.

Application stands disposed off.

Copy of this order be sent to counsel for applicant/accused and IO/SHO concerned through email.

One copy of this order be also sent to Computer Branch, THC, for uploading it on Delhi District Courts Website.

  
(RISHABH KAPOOR)  
MM-03(Central),THC,Delhi  
25.08.2020

FIR No. 58/20  
State Vs. Ajay Kumar  
PS I.P. Estate

25.08.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

**Present:** Ld. APP for the State.

IO/SI Narender Kumar in person.

The present chargesheet has not been registered nor has been uploaded on CCTNS. IO submits that the chargesheet could not be uploaded on ICJS module as all the accused persons have been kept in column no.12 and as such have not been charge-sheeted for the want of evidence.

Ahlmad of this court submits that as the complete case title was not mentioned on the charge-sheet which was purported to be uploaded by IO on CCTNS, therefore the same could not be verified on ICJS module.

In such circumstances, concerned SHO is directed to effect the necessary correction by uploading the charge-sheet containing the complete case title, on CCTNS so that same can be registered on ICJS module.

List for filing of compliance report by SHO concerned and also for consideration on charge-sheet on 15.09.2020.

Copy of this order be sent to SHO concerned for compliance.

(RISHABH KAPOOR)  
MM-03(Central), THC, Delhi  
25.08.2020