

State V/s. Rajesh
FIR No. 317/20
P.S. Civil Lines
U/s 379/411 IPC

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

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 Rajesh s/o Dharemender.

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

Mr. Abhishek Kumar Singh, Id. LAC for applicant/accused (through V.C).

Reply of IO has been filed. Same is taken on record. Copy of same has been sent to Ld. LAC for the applicant/accused electronically.

Perusal of the same reveals that all particulars mentioned in the bail application are incorrect.

At this stage, Ld. LAC for the applicant/accused wishes to withdraw the present bail application.

Heard. Request stands allowed. At request of Ld. LAC for applicant/accused, the present bail application stands dismissed as withdrawn.

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/04.12.2020

State V/s Mohd. Raja
FIR No. 185/20
P.S. Sadar Bazar
U/s 25/54/59 Arms Act

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 436 Cr.P.C. has been moved on behalf of applicant/accused Mohd. Raja s/o Mohd. Javed.

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

Mr. Vibhav Mishra, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that inadvertently, he has filed the present bail application u/s 436 Cr.P.C. instead of section 437 Cr.P.C. and therefore, he requested that the mistake be rectified.

Heard. In view of request of Ld. Counsel for applicant/accused, the present bail application be read under Section 437 Cr.P.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 is a young boy 20 years of age and working as a Mazdoor in shops and lives on daily wages in Delhi. 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 police has shown recovery of one country made pistol and two live cartridges from applicant/accused without there being any independent witness present in the whole market. It is further submitted by Ld. Counsel for applicant/accused that it is highly unbelievable that there was no independent witness in a crowded market like Sadar Bazar at the time of the alleged incident. 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 11.09.2020. It is further submitted that charge-sheet in the present case has been filed and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is the sole bread earner of his family. Ld. Counsel for applicant/accused has placed reliance upon the judgment passed by Hon'ble Supreme Court of Delhi in "**Sanjay Chandra Vs CBI**" [(2012) 1 SCC 40]. It is also submitted by Ld. Counsel for applicant/accused that though the applicant/accused is a resident of Bihar, his local address has also been furnished. 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 charge-sheet as well as reply filed by IO reveals that the applicant/accused was caught red handed at the spot and case property (one desi katta & two live cartridges) were recovered from him. It is further submitted that applicant/accused is involved in 4 other criminal cases and he may abscond as he is not a resident of Delhi.

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. It is submitted that the applicant/accused is involved in many criminal cases and he may commit similar offences again, if 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 a young boy aged 20 years, recovery has already been effected, charge-sheet has already been filed, 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 Mohd. Raja 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/04.12.2020

State V/s Vikas @ Vijay
FIR No. 310/20
P.S. Civil Lines
U/s 454/380/411 IPC

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Vikas @ Vijay s/o Sh. Mithilesh.

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

Mr. Abhishek Kumar Singh, 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 a previous convict. It is further submitted that the applicant/accused is in J/C since 28.07.2020 and investigation qua him is already complete and charge-sheet has also been filed and he is no more required for any custodial interrogation. It is further submitted that the applicant is the sole bread earner of his family and he is having responsibility on his shoulder of his old aged ailing parents and one minor brother. It is further submitted that applicant/accused is a permanent resident of Delhi. Ld. Counsel seeks release of applicant/accused on bail on humanitarian grounds since the applicant/accused is suffering from life threatening disease i.e. HIV.

Reply of IO has been filed electronically. Copy of same has been sent

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to Ld. Counsel for the applicant/accused electronically. Perusal of the reply as well as charge-sheet reveals that the applicant/accused has been arrested on the day of incident itself and stolen laptop was recovered from his possession. It is further stated that applicant/accused is a habitual offender and involved in 5 other criminal cases.

Ld. APP for the State has vehemently opposed the bail application on the ground that the case property has been recovered from the possession of the applicant/accused. It is submitted that Section 454 is punishable with imprisonment up to 10 years. It is further submitted that the applicant/accused has previous involvement in many criminal cases and he may commit similar offences again, if released on bail. Therefore, 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 charge-sheet has already been filed, recovery has already been effected, applicant/accused is suffering from a life threatening disease i.e. HIV and applicant/accused is no more required for any custodial interrogation, lenient view is taken against the applicant/accused and he is admitted to bail subject to furnishing of personal bond in the sum of Rs. 20,000/- with one surety of like amount, to the satisfaction of Ld. 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

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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/04.12.2020

State V/s Gaurav
FIR No. 121/20
P.S. Sadar Bazar
U/s 392/411/34 IPC

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

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 Gourav s/o Sh. Daya Nand.

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

Mr. Parveen Kumar Garg, 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 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 almost four months and investigation qua him is already complete and charge-sheet has also been filed. It is further submitted that applicant/accused is no more required for any custodial interrogation. It is further submitted that the applicant is the sole bread earner of his family and is a permanent resident of Delhi. 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 applicant/accused was identified by the complainant and hence, arrested in the present case. It is further stated that Rs. 2000/- and AADHAR Card of the

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complainant were recovered from the possession of the applicant/accused. It is further stated that 3rd co-accused namely, Shiv Kumar has not yet been traced. It is stated that applicant/accused is a habitual offender and is previously involved in 5 criminal cases. It is stated that the allegation against the applicant/accused is serious in nature. It is further stated that applicant/accused may jump the bail, threaten the complainant and indulge in the same crime again, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused committed offence in broad day light in a highly crowded public place. It is further submitted that applicant/accused was arrested on the identification of complainant and some part of the case property has been recovered from him. It is further submitted that applicant/accused is a habitual offender and he has previous involvement in 5 other criminal cases. It is further submitted that judicial custody of the applicant/accused is required to trace the 3rd co-accused Shiv Kumar. 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.

Heard. Perused. Considering the submissions made and the circumstances that charge-sheet has already been filed, recovery has already been effected, applicant/accused has been languishing in jail since a long time, and co-accused namely, Prashant @ Piyush Bhopi has already been granted bail and applicant/accused is no more required for any custodial interrogation, a lenient view is taken against the applicant/accused. Hence, applicant/accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 20,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty

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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/04.12.2020

State V/s Salman @ Danish
FIR NO. 344/20
P.S. Civil Lines
U/s 356/379/411/34 IPC

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

None has joined through Video conferencing on Cisco Webex.

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

IO ASI Ravinder Singh appeared physically in the Court.

Vide order dated 26.11.2020, IO was directed to verify the address of the accused. IO has filed address verification report dated 03.12.2020 on record.

Perusal of same reveals that address of the accused has been verified but he left the address mentioned in the application around 7 years ago and he has not returned to his village since then.

In view of aforesaid, this Court does not deem it fit to release the accused on personal bond. Hence, the present application stands dismissed.

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



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/04.12.2020

State V/s Tanish @ Kalu
FIR No. 181/20
P.S. Sadar Bazar
U/s 393/394/34 IPC

04.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

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 Tanish @ Kalu s/o Santu.

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

Mr. Parveen Kumar Garg, 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 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 07.09.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation as charge-sheet has already been filed. It is further submitted that the applicant/accused is the sole bread earner of his family. 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 charge-sheet as well as reply filed by IO reveals that on 07.09.2020, the complainant and his friend namely, Ranjeet had gone to Sadar Bazar for search of work and when they



were returning to their home in Nabi Karim, 2 boys aged between 20-21 years came and one boy held the collar of the complainant's shirt and other boy tried to forcefully take out complainant's mobile phone out of his pant's pocket. This led to physical altercation between them during which complainant's friend Ranjeet tried to mellow down the situation, however, the applicant/accused took out a blade and caused injuries to the complainant on his left cheek and when complainant's friend Ranjeet tried to catch hold of the applicant/accused, they also caused injury with the blade to him and ran away towards Singhara Chowk. As per MLC of complainant, the injury suffered by the complainant is sharp in nature and that suffered by his friend Ranjeet is blunt in nature. It is further stated that blade has been recovered from the possession of the applicant/accused and applicant/accused has been identified by the complainant.

Ld. APP for the State has vehemently opposed the bail application on the ground that blade which is a deadly weapon was used while attempting to commit robbery, hence, Section 397 IPC is also attracted in the present case. It is submitted that since allegations against the applicant/accused are serious in nature, he should 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.

Allegations against the applicant/accused are grave and serious in nature and blade allegedly involved in the said incident has been recovered from his possession. Thus, prima facie there is material against the applicant/accused regarding his involvement in the present case. The present FIR has been registered U/s 393/394 IPC and Section 394 IPC entails imprisonment up to life. So, considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail



application of applicant/accused stands dismissed.

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/04.12.2020