

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

FIR no. CD-DBG-000246/2019

PS: DBG Road

U/s. 379 IPC

29.07.2020

This is an application received through E-mail as moved on behalf of applicant **Dinesh Yadav** seeking release of Mobile Phone make Samsung J-7 Prime Gold, on superdari.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.

Applicant Dinesh Yadav has been joined via Video Calling through Whatsapp.

Applicant submits that he is owner of the said mobile phone in question. Copy of the bill of the said mobile phone has been attached with the application.

Reply is received from the IO through E-mail. As per the reply, Police has no objection in release of the said mobile phone in question to the rightful owner.

Concerned SHO/IO is directed to release the above-mentioned mobile phone to the applicant. IO/SHO concerned is also directed to prepare a detailed panchnama of the above stated vehicle and take photographs of the same in terms of directions given in the Judgment of Hon'ble High Court of Delhi titled as "Manjeet Singh Vs. State". Panchnama proceedings shall be conducted at the concerned Police Station. The panchnama and the photographs shall be signed by the applicant, accused (if arrested) complainant and the IO and the concerned SHO shall secure the presence of the aforesaid persons.

Thereafter, the above-said mobile phone be released to its rightful owner against receipt and on verification of ownership and identity. The Panchnama and photographs shall be filed in the Court with the charge-sheet as and when the same is filed.

The application stands disposed of.

Copy of this order be uploaded on the District Courts website forthwith. Copy of this order be sent to concerned IO/SHO for necessary intimation via official email ID.

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(Arul Varma)

CMM(Central)/THC/Delhi/29.07.2020

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

FIR No. 127/2016

PS: EOW

State Vs. Vinod Arora

U/s. 420/467/468/120-B IPC

29.07.2020

File taken up today on second application u/s 437 Cr.PC received through email as moved on behalf of the applicant/accused **Nitin Arora** for grant of bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State via Video
Conferencing through Cisco Webex.
Sh. Sandeep Chaudhary, Ld. Counsel for accused via
Video Conferencing through Cisco Webex.

Reply to the bail application has been received on behalf of the IO through E-mail.

Ld. Counsel for the accused has moved application for grant of bail on behalf of applicant/accused Nitin Arora stating that the accused is in custody since 24.05.2019. He further submitted that charge-sheet has been filed as the investigation has been completed and only FSL report is awaited. He further submits that co-accused Vinod Arora has already been admitted to bail by this Court vide order dated 07.07.2020. He further submits that the accused should not be penalized for the fault of investigating agency in not filing the FSL report. Ld. Counsel for accused further submitted that accused has already deposited Rs. 50 Lacs i.e. the alleged cheated amount with the DRT pursuant to initiation of SARFAESI proceedings by the complainant against the accused. He has prayed that on the ground of parity, applicant/accused Nitin Arora may kindly be ordered to be

released on bail.

Per contra, Ld. APP for the State has vehemently opposed the bail application as per law. Ld. APP for the State has relied upon judgment of the Hon'ble High Court of Delhi in case titled as Sunil Dahiya vs. State (Govt. of NCT of Delhi) decided on 18.10.2016. The relevant paragraphs of the judgment are reproduced here as under:-

49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to influence these investors, other witnesses and the evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences – as observed by the Apex Court, have to be viewed seriously. [In Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation,\(2013\) 7 SCC 439](#), the Court in Para 34 observed:

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.”

50. Further, in [State of Gujarat vs. Mohanlal Jitamalji Porwal and Anr.](#), (1987) 2 SCC 364, the Court in Para 5 observed:

“5. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest..”

Ld. APP has contended that since it is an economic offence and well planned conspiracy, the accused should not be granted bail.

Submissions heard.

A perusal of the records and submissions reveals that the accused has already deposited the total principal amount of Rs. 50 Lacs and only interest amount of approximately Rs. 8 Lacs is pending, and that is the subject matter of civil proceedings between the parties. Accused has been in custody since 24.05.2019, the charge-sheet has already been filed, co-accused Vinod Arora has already been admitted to bail by this Court vide order dated 07.07.2020, no recoveries have to be effected and all the documentary evidences have been placed on record.

Further, during the course of arguments, Ld. Counsel for the accused has submitted that the judgment cited by the Ld. APP for the State is not applicable in the present case, and the facts are distinguishable in as much as the said judgment

pertains to a case where accused has cheated hundreds of investors and further accused therein did not pay any amount to any of the investors. This Court finds force in the submissions of Ld. Counsel for accused.

Thus, keeping in mind the above factors and taking into account the custody of accused, and considering the application on the ground of parity, the present bail application is allowed. Accused **Nitin Arora** is also admitted to bail on his furnishing bail bond in the sum of Rs. 1,00,000/- with two sureties each in the like amount.

Accordingly, application stands disposed off.

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
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Date: 2020.07.29
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(Arul Varma)

CMM(Central)/THC/Delhi

29.07.2020

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

FIR No. 58/2018

PS: EOW

State Vs. Sanjay Choudhary

29.07.2020

This is an application received through E-mail as moved on behalf of the applicant/accused Sanjay Choudhary for directions to Jail Superintendent, Mandoli Jail to shift applicant/accused to Central Jail No. 12, Mandoli Jail, Delhi.

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video
Conferencing through Cisco Webex.

Sh. Raunak Satpathy, Ld. Counsel for
applicant/accused via Video Conferencing through Cisco
Webex.

Let report be called from Concerned Jail Superintendent through E-mail for **06.08.2020**. Accordingly, copy of this order along with application of the accused be sent to the concerned Jail Superintendent.

The order be uploaded on District Court Website forthwith. The order be also sent to concerned Jail Superintendent on his official E-mail ID for report.

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(Arul Varma)
CMM(Central)/THC/Delhi
29.07.2020

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

FIR No. 58/2018

PS: EOW

State Vs. Manoj Choudhary

29.07.2020

This is an application under Section 438 Cr.P.C. received through E-mail as moved on behalf of the applicant/accused **Manoj Choudhary** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video
Conferencing through Cisco Webex.

Sh. Raunak Satpathy, Ld. Counsel for
applicant/accused via Video Conferencing through Cisco
Webex.

Let report be called from concerned IO/SHO through E-mail for **06.08.2020**. IO is directed to file reply two days prior to the next date of hearing. He is also directed to send reply to the Ld. Counsel for applicant/accused through E-mail.

The order be uploaded on District Court Website forthwith.

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(Arul Varma)

CMM(Central)/THC/Delhi

29.07.2020

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

Misc. Application

29.07.2020

This is an application received through E-mail as moved on behalf of applicant/accused **Manoj Choudhary** under Section 156 (3), 190 (3) R/w 200 Cr.P.C, 1973 for issuing necessary directions to the investigating authorities.

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video
Conferencing through Cisco Webex.

Sh. Raunak Satpathy, Ld. Counsel for
applicant/accused via Video Conferencing through Cisco
Webex.

Matter be listed for consideration on **06.08.2020**.

The order be uploaded on District Court Website forthwith.

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Date: 2020.07.29
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(Arul Varma)
CMM(Central)/THC/Delhi
29.07.2020

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

FIR No. 395/2019

PS: Karol Bagh (Crime Branch)

State Vs. Lutfar Rahman Mullick

u/s 406/34 IPC

Bail Application

29.07.2020

This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Lutfar Rahman Mullick for grant of bail.

Present: Sh. Rajiv Kamboj, Ld. APP for the State via Video Conferencing through Cisco Webex.
Sh. S D Sharma, Ld. Counsel for applicant/accused via Video Conferencing through Cisco Webex.
Sh. Sunil Suri, Ld. Counsel for the complainant.

Reply to the bail application has already been filed on behalf of the IO SI Vinay Kumar.

Ld. Counsel for the accused has moved an application for grant of bail to applicant/accused Lutfar Rahman Mullick. Ld. Counsel for the accused has contended that accused was arrested on 23.02.2020 and has already spent more than 150 days in judicial custody. It has been submitted that no recovery has been effected from the present applicant/accused. It has been further contended that no further investigation is required as chargesheet has already been filed before the Court on 23.04.2020. It is prayed that the bail may be granted to the present accused.

Per contra, Ld. APP for the State has opposed the bail application as per law. It has been submitted on behalf of Ld. APP for the State that approximately 6 Kgs gold/jewellery items worth Rs. 2 Crores have been misappropriated by the accused persons and no recovery has been effected. It is further submitted that investigation is pending as one co-accused is already absconding.

Submissions heard.

A perusal of the record reveals that the offence levelled against the accused is punishable with a maximum a period of 3 years. Investigation is complete and the chargesheet has already been filed before the Court.

Considering the facts and circumstances of the case, period of custody, the present bail application is allowed. Accused Lutfar Rahman Mullick is admitted to bail on his furnishing personal bond in the sum of Rs. 50,0000/- with one surety in the like amount subject to verification of address of the present accused through concerned SHO.

Accordingly, application stands disposed off.

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.

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ARUL VARMA
Date: 2020.07.29
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(Arul Varma)
CMM (Central District), Delhi
29.07.2020