

State V/s Vikas Jha
FIR No. 131/19
P.S. Civil Lines
U/s 420/120B IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Vikas Jha s/o Late Ram Pratap Jha.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

Ms. Alisha, proxy counsel for applicant/accused.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

It is submitted by proxy counsel that main counsel is not available today and therefore, she seeks adjournment for today.

Heard.

In view of submission, be put up for arguments on the bail application on **17.12.2020 (physical hearing date)**.

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/11.12.2020

FIR NO. 528/20
P.S. Civil Lines
U/s 279/337/304A IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

This is an application for releasing of vehicle bearing No. UP-14-EL-3840 on superdari filed by applicant/ registered owner Sh. Gyanendra Kumar Maheshwari.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

Sh. N.K. Sharma, Ld. Counsel for applicant alongwith applicant in person.

Since reply has not been filed by IO concerned, let notice be issued to IO concerned to file reply to the present application for **14.12.2020.**



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

FIR No. 0323/20
P.S. Sadar Bazar
U/s 379/356/411 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

This is an application for releasing of mobile on superdari filed by applicant Sh. Ashok Kumar.

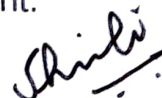
Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

Sh. Ashok Kumar, applicant in person.

Reply filed by the IO. Same is taken on record. As per the reply, it is stated that IO has no objection in releasing the mobile phone Mobistar IMEI NO. 911650252175740, 911650252175757 to the applicant Ashok Kumar as it is no more required for the purpose of investigation. Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, above said mobile be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

FIR No. 222/20
PS Sadar Bazar
State Vs Vicky @ Punjabi
U/s 454/380/411/34 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

IO HC Mithun Kumar in person.

Information sheet and death summary in respect of custodial death of prisoner Vicky @ Punjabi who died on 30.10.2020 at 04.30 PM at DDU hospital has been received from Superintendent of Prison, Central Jail No. 3 Tihar, New Delhi vide letter No. F.3/SCJ-03/AS (UT)/ 2020/4829 dated 03.11.2020 .

Perused.

IO submits that charge-sheet is almost ready and shall be filed soon before the Court.

In view of submission of IO, Ahlmad is directed to tag the information sheet and death summary of accused alongwith charge-sheet as and when same is filed before the Court.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

State V/s Shahbuddin
e-FIR No. 034620/19
P.S. Sadar Bazar
U/s 379/411/34 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

An application for release of accused on personal bond has been moved.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

Sh. Abhishek Kumar Singh, Id. LAC for accused.

Vide order dated 08.12.2020, IO was directed to file verification report of address of accused. Reply has been filed by IO. Same is supplied to Ld. LAC for accused. As per the reply, form 12 of accused has been sent by Post for the purpose of address verification, however, due to the present Covid pandemic situation, the address of accused has not been verified yet. IO seeks further time.

Heard. IO is directed to expedite the process and file address verification report positively by **18.12.2020**.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

e.FIR No.000400/2019
PS Sadar Bazar
U/s 379 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

Present : Sh. A.K. Shukla, Ld. Substitute APP for the State.

IO ASI Mukesh Kumar in person.

Complainant namely Mr. Feroz Ahmed in person.

An application seeking status report has been filed by complainant.

As per reply filed by IO ASI Mukesh Kumar, untrace report in the present case has been prepared. IO submits that he seeks time to file the same in Court and he shall file the same tomorrow i.e. 12.12.2020.

Heard.

In view of the submissions made by the IO, accordingly, put up for 18.01.2021.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/11.12.2020

State V/s Aas Mohd. Etc.
FIR No. 189/18
P.S. Civil Lines
U/s 429 IPC & 11A PCA Act

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.
Sh. Neeraj Sharma, Ld. Counsel for the applicant.

Since reply has not been filed by IO concerned, let fresh notice be issued to IO concerned to file reply to the present application for **18.12.2020.**


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

State V/s Ajay @ Anta
State Vs Vijay @ Lala
e-FIR No. 0395/20
P.S. Civil Lines
U/s 379/34 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.
IO ASI Gulzar Hussain in person.

On 10.12.2020, IO had moved an application for issuance of production warrants against the accused persons namely, Ajay @ Anta and Vijay @ Lala.

Today, IO has submitted that inadvertently he had filed an application for issuance of production warrants against both the above said accused persons and he seeks to withdraw the same.

Heard. In view of submissions made by IO, application for issuance of production warrants against the above said accused persons is dismissed as withdrawn.

At this stage, IO has moved an application for release of accused persons namely, Ajay @ Anta & Vijay @ Lala. It is stated by the IO that the accused persons were arrested on 30.10.2020 in this case, however, neither recovery has been effected nor co-accused namely, Jai has been apprehended. It is further stated that the complainant has failed to identify both the accused persons during TIP proceedings, hence, TIP of both the accused persons has failed. It is thus prayed by the IO that as there is no incriminating material against the both accused persons, they may be released in this case.

Ld. APP for the State has no objection to the application.


Heard. Since no incriminating material has been found against the both accused as per the IO and IO himself has moved an application for release of both accused on the ground that both accused are no longer required in the present case. Hence, accused Ajay @ Anta s/o Sh. Bhawanideen & Vijay @ Lala s/o Sh. Ram Singh be released forthwith, if not required in any other case.

IO is at liberty to take appropriate steps in case any incriminating evidence is found against both the accused persons.

Application stands disposed of accordingly.

Copy of this order be given dasti to IO.

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.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

State V/s Sanju @ Kamal
FIR No. 222/20
P.S. Sadar Bazar
U/s 380/411/454/34 IPC

11.12.2020

Vide Office Order No. 1277122595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Sanju @ Kamal s/o Sh. Om Prakash.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.

Sh. Mukul Gupta, Id. Counsel for applicant/accused.

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 submitted by Ld. Counsel for applicant/accused that applicant/accused has been lifted from his house and arrested in the present case on the disclosure statement of co-accused Vicky. It is further submitted that the alleged incident took place in the month of March, however, recovery has been effected in the month of October which points out that applicant/accused has been falsely implicated in the present matter. 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. Ld. Counsel for applicant/accused seeks grant of bail to the applicant/accused on the ground of parity since co-accused persons Gaurav and Rahul have already been granted bail by this Court. 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 20.10.2020 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 and his wife is 8 months pregnant. 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 arrested in the present FIR on the basis of disclosure statement of his co-accused, Vicky @ Punjabi and case property i.e. one iron rod (gattar) was recovered from him. It is stated that the applicant/accused played an active role in the commission of the offence and he is previously involved in criminal cases. It is stated that the allegation against the applicant/accused is specific and grave in nature.

Ld. APP for 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 further submitted that bail application of applicant/accused has been dismissed by Ld. Sessions Court vide order dated 12.11.2020. It is further submitted that the time gap between the date of offence and date of recovery is not a sufficient criteria for enlarging the applicant/accused on bail. It is further submitted that the applicant/accused is a habitual offender and previously involved in many criminal cases and 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 recovery has already been effected, co-accused persons namely, Gaurav and Rahul have already been granted bail by this Court vide order dated 26.11.2020 & 23.11.2020 respectively, investigation qua the applicant/accused is almost complete and 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 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 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/11.12.2020

11.12.2020

Vide Office Order No. 1277/222595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Tinku Sharma s/o Sh. Rakesh Sharma.

Present : Sh. A.K. Shukla, Ld. Substitute APP for State.

Sh. Parvez Alam, Id. Counsel for applicant/accused.

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 co-accused told the name of applicant/accused in disclosure statement in a drunken condition. Ld. Counsel for applicant/accused prays for grant of bail to the applicant/accused on the ground of parity since co-accused Sumit has already granted bail by this Court. It is further submitted that the applicant/accused is a young boy aged 22 years, belongs to a poor family and is the sole bread earner of his family. It is submitted that the past antecedents of the applicant/accused are clean and he has not been previously involved in any other case. It is further submitted that the applicant/accused is in JC since 05.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. 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 recovery of the stolen vehicle has been made from the applicant/accused and his co-accused, Sumit. It is stated that accused is previously involved in many theft cases and he may commit similar offences again, if released on bail.

Ld. substitute APP for the State has opposed the bail application on the ground that the case property has been recovered from possession of applicant/accused. It is further submitted that applicant/accused is a habitual offender 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.

In the given facts and circumstances of the case, I am of the view that no useful purpose would be served by keeping the applicant behind the bars anymore as investigation qua him is almost complete and recovery of the stolen vehicle has already been effected. Hence, the application is allowed and applicant/accused is admitted to bail on furnishing of personal bond in the sum of Rs.15,000/- with one surety in the 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 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/11.12.2020

State Vs. Shahabuddin
e.FIR No.034620/2019
PS Sadar Bazar
U/s 379/411/34 IPC

08.12.2020

***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 on Cisco Webex.

This is an application for releasing the accused on personal bond.

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

Mr. Abhishek Kumar Singh, Ld. LAC for the accused has joined through V.C.

IO was directed to file verification report vide order dated 01.12.2020, however, the same has not been filed yet.

Let notice be issued to the IO concerned to file the verification report, through SHO concerned, for the NDOH.

SHO concerned is directed to ensure that the verification report is filed on the NDOH.

Put up on **11.12.2020.**



**(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020**

State V/s Mukesh @ Bokha
FIR No. 515/20
P.S. Civil Lines
U/s 33 Delhi Excise Act

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mukesh @ Bokha s/o Late Ant Ram.

Present : Sh. A.K. Shukla, Ld. Substitute APP for State.

Sh. S.P. Sharma, Id. Counsel for applicant/accused.

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 applicant/accused is in J/C since 22.11.2020. It is further submitted that the applicant/accused is a married man with the responsibility to maintain three children, his wife is admitted in the hospital and he is the sole bread earner of his family. It is submitted that the applicant/accused has been acquitted in 11 out of 17 cases mentioned in the previous involvement report filed by the IO and he has not been previously involved in any other case under the Delhi Excise Act. It is submitted that the applicant/accused was called to the police station from his house and falsely implicated in the present case. It is further submitted that there is no public witness in the present case and the only witnesses to the alleged incident are police officials. It is further submitted that whereabouts of applicant/accused have been duly verified, hence, there are no chances of the applicant/accused absconding. It is further submitted that since only police officials are witnesses in the present case, hence, there are no chances of the applicant/accused threatening/intimidating the witnesses. It is further submitted that even otherwise, the alleged recovery has already been effected and further custodial interrogation of the applicant/accused is no more required. 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 200 quarter bottles of illicit liquor were recovered from the possession of applicant/accused. It is stated that the applicant/accused brought illicit liquor from Haryana to supply the same in Delhi. It is stated that the applicant/accused is a BC of PS Civil Lines and is involved in 17 other criminal cases.

Ld. substitute APP for the State has opposed the bail application on the ground that 200 quarter bottles of illicit liquor have been recovered from the possession of the applicant/accused. It is submitted that the applicant/accused is a habitual offender and has been involved in 17 cases from the year 1994 to 2020, which includes one case under the Delhi Excise Act also. It is further submitted that the applicant/accused may commit further offences, if released on bail. Therefore, it has been prayed that applicant/accused should not be released on bail.

Arguments heard on the bail application from both the sides. I have perused the contents of the application and perused the reply filed by IO.

In the present case, the allegation against the applicant/accused is under the Delhi Excise Act for being found in illegal possession of illicit liquor. It is observed that this Court has dismissed the bail application of applicant/accused vide order dated 28.11.2020. No change of circumstance since then has been pointed by Ld. Counsel for applicant/accused, entitling the applicant/accused to be released on bail. Considering the antecedents of the applicant/accused and the fact that the investigation of the case is still at a nascent stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

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.


(SHIVLITALWAR)

MM-06(C)/THC/Delhi/11.12.2020

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

This is an application for releasing of case property (i.e. coin, currency, electrical and electronic goods (Dell laptop black colour services Tag No. G8HXYL2 and jewellery and Sumsung Tab) on superdari filed by applicant Sh. Badri Vishal Shukla.

Present : Sh. A.K. Shukla, Ld. Substitute APP for State.

Applicant in person with Ld. Counsel.

Reply filed by the IO. Same is take on record. As per the reply, IO has no objection to the release of laptop make Dell and Samsung Tab as IO submits that they are no longer required for investigation purpose. However, IO has objection to the release of two silver coins to the applicant since TIP of the two silver coins is fixed for 14.12.2020.

Heard. In view of reply of IO, the application stands partly allowed. I am of the considered view that laptop make Dell and Samsung Tab be released to the applicant.

Instead of releasing the laptop make Dell and Samsung Tab on superdari, I am of the considered view that the same has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, laptop make Dell and Samsung Tab be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the laptop make Dell and Samsung Tab. IO is directed to get the valuation done of the laptop make Dell and Samsung Tab prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of laptop make Dell and Samsung Tab in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant. 

(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

State V/s Anuj
FIR No. 342/20
P.S. Civil Lines
U/s 25/54/59 Arms Act

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts

Roster/ 2020 dated 25.11.2020, matters are taken up physically.

Present : Sh.A.K. Shukla, Ld. Substitute APP for State.
Ms. Kiran, applicant in person alongwith Ld. LAC Sh. Sana-Ur-
Reman.
None for the accused.

Since the accused has not appeared in the Court today, let fresh notice be issued to accused to appear before the Court in person on 17.12.2020 (physical hearing date).



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/11.12.2020

State V/s Mohd. Rehan & Ors.
FIR No. 204/19
P.S. Sadar Bazar
U/s 308/34 IPC

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up physically.

This is an application moved on behalf of applicant/accused Mohd. Furkan for release of the jamatalashi articles.

Present : Sh. A.K. Shukla, Ld. Substitute APP for State.
Sh. Arvind Kumar, Id. Counsel for applicant.

IO has still not filed reply to the present application, despite being given two opportunities to do so.

Accordingly, SHO is directed to ensure that reply to the present application is filed by IO on 14.12.2020.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/11.12.2020

11.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matter is taken up through video conferencing on Cisco Webex.

Present : Sh. A.K. Shukla, Ld. Substitute APP for the State.

Sh. Nitin Gupta, Ld. Counsel for the accused has joined the V.C.

An application for surrender of accused Sumit has been moved by Ld. Counsel.

Ld. Counsel for accused has submitted that the accused was granted interim bail on 09.11.2020 by this Court, which was further extended by Ld. Sessions Court till 07.12.2020, pursuant to which the Court ordered the accused to surrender before the concerned authorities. It is submitted that on 07.12.2020, accused went to Tihar Jail to surrender before the authorities but the jail authorities refused to take him into custody on the ground that after 8:00 PM, they do not take any new under trial in custody and asked him to surrender before the Court.

At this stage, Ld. Counsel for accused has moved an application for extension of time of surrender of accused/ extension of interim bail of accused on the ground that the accused was found COVID-19 positive on 09.12.2020 after having been tested at the Government Van at Sheikh Sarai and advised 17 days home isolation till 27.12.2020.

Ld. Substitute APP for the State has opposed the present application for extension of time of surrender of accused/ extension of interim bail of accused on the ground that there have been many instances

Contd...../2-

Shukla

of fake COVID-19 reports being prepared.

Heard. Record perused.

The interim bail of accused was extended till 07.12.2020 by the Ld. ASJ, Sh. Sanjay Sharma-II. Thus, this Court does not deem it fit to further extend the interim bail granted by the Ld. Sessions Court, hence, the accused is at liberty to approach the Ld. Sessions Court for extension of interim bail.

However, Ld. Counsel for accused prays for interim protection for a period of two days until he files an application for extension of interim bail before the Ld. Sessions Court.

Heard.

In view of submission made by Ld. Counsel for accused that accused is COVID-19 positive and has been advised 17 days home isolation and in view of prayer that interim protection be granted to accused for two days in order to file an application for its extension before the Ld. Sessions Court, the accused is granted interim bail for 2 days till **13.12.2020.**

The IO concerned is directed to verify the COVID-19 report of accused and file report on **14.12.2020.**

The present applications stand disposed off accordingly.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/11.12.2020