

State V/s Gautam Saini
e-FIR No. 22726/20
P.S. Civil Lines
U/S 379/411/34 IPC

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 10.45 am.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Gautam Saini s/o Sh. Noratna Saini r/o Lal Darwaza, Shikarpur, Bulandshahr, U.P.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Atul Kumar, Id. Counsel for applicant/accused has joined the meeting through Cisco Webex.

It is submitted by Ld. Counsel for accused that accused is not a habitual offender. He further submitted that accused has been released on bail by the concerned Court in U.P. in FIR No. 838/20 u/s 411/414/34 IPC, PS Sikandarabad, Bulandshahr, U.P. It is further submitted that the vehicle (scooty) bearing registration No. DL 8S BJ 3871 was stolen by someone else and it was only recovered from the possession of the accused and co-accused. Therefore, it has been prayed that 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 reply shows that the said vehicle (scooty) bearing registration No. DL 8S BJ 3871 has been recovered from the possession of the accused and co-accused & the said vehicle (scooty) has been released on superdari to its rightful owner namely, Mr. Ganesh Kumar. IO has also filed previous involvement report of the accused as per which the accused is not found to be previously involved in any other case in Delhi. However, the IO in his reply has stated that the accused may abscond, if he is released on bail.

Ld. APP for the State has opposed the bail application on the ground that the

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accused is a habitual offender in U.P. and merely changing the place of committing offence from U.P. to Delhi does not entitle the accused to be released on bail. It is further submitted by Id. APP for the State that the fact that accused is not previously involved in any other case in Delhi, does not entitle the accused to be released on bail.

Heard. Perused. Considering the submissions and the circumstances that past antecedents of the accused are clean, recovery of the stolen vehicle has already been effected and accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the accused behind bars. Hence, accused Gautam is admitted to bail subject to furnishing of bail bond in the sum of Rs. 10,000/- with one surety of like amount 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 induced, 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.

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MM-06(C)/THC/Delhi/21.11.2020

State V/s Satish Kumar
e-FIR No. 22726/20
P.S. Civil Lines
U/S 379/411/34 IPC

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 10.45 am.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Satish Kumar s/o Sh. Rajveer Singh r/o Village – Faridpur, Sikandrabad, Bulandshahr, U.P.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Atul Kumar, ld. Counsel for applicant/accused has joined the meeting through Cisco Webex.

It is submitted by Ld. Counsel for accused that accused is not a habitual offender. He further submitted that accused has been released on bail by the concerned Court in U.P. in FIR No. 838/20 u/s 411/414/34 IPC, PS Sikandarabad, Bulandshahr, U.P. It is further submitted that the vehicle (scooty) bearing registration No. DL 8S BJ 3871 was stolen by someone else and it was only recovered from the possession of the accused and co-accused. Therefore, it has been prayed that 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 reply shows that the said vehicle (scooty) bearing registration No. DL 8S BJ 3871 has been recovered from the possession of the accused and co-accused & the said vehicle (scooty) has been released on superdari to its rightful owner namely, Mr. Ganesh Kumar. IO has also filed previous involvement report of the accused as per which the accused is not found to be previously involved in any other case in Delhi. However, the IO in his reply has stated that the accused may abscond, if he is released on bail.

Ld. APP for the State has opposed the bail application on the ground that the

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accused is a habitual offender in U.P. and merely changing the place of committing offence from U.P. to Delhi does not entitle the accused to be released on bail. It is further submitted by Id. APP for the State that the fact that accused is not previously involved in any other case in Delhi, does not entitle the accused to be released on bail.

Heard. Perused. Considering the submissions and the circumstances that past antecedents of the accused are clean, recovery of the stolen vehicle has already been effected and accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the accused behind bars. Hence, accused Satish is admitted to bail subject to furnishing of bail bond in the sum of Rs. 10,000/- with one surety of like amount 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 induced, 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.

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State V/s Nitin & Anr.
e-FIR NO. 000426/20
P.S. Civil Lines

U/S 392/411/34 IPC & 25/54/59 Arms Act

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HO)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 10.45 am.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Bharat Bhushan, Ld. Counsel for applicant has also joined the meeting through Cisco Webex.

Vide order dated 18.11.2020, this Court had directed IO to comply with order dated 12.11.2020 directing release of the vehicle on superdari to its rightful owner, Ms. Saroj.

Compliance report filed by IO SI Praveen Sharma regarding release of vehicle i.e. TSR bearing No. DL-1RZ-2083 to the rightful owner/ applicant.

Same is taken on record.

In view of same, the present application stands 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 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.

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MM-06(C)/THC/Delhi/21.11.2020

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

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 10.35 am.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. Abhishek Kumar Singh, ld. LAC for accused has also joined the meeting through Cisco Webex.

The present application has been filed on behalf of accused by Ld. LAC electronically for releasing the accused on personal bond.

Heard on the application through V.C. Perused the same.

Let notice be issued to IO concerned to verify the address of accused and file the report on 26.11.2020.

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MM-06(C)/THC/Delhi/21.11.2020

(Misc Application) State V/s Shaheen Begum
FIR NO. 75/19
P.S. Sadar Bazar

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts
Roaster/ 2020 dated 25.10.2020, the cases are being taken up through Video
Conferencing today.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

None for the applicant.

Be put up for purpose already fixed on **18.12.2020.**

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MM-06(C)/THC/Delhi/21.11.2020

(Misc Application) State V/s Mohd. Aslam
FIR NO. 165/13
P.S. Civil Lines

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts
Roaster/ 2020 dated 25.10.2020, the cases are being taken up through Video
Conferencing today.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Applicant Shahida in person.

Be put up for purpose already fixed on 21.12.2020.

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MM-06(C)/THC/Delhi/21.11.2020

e-FIR No. 292/20
PS – Sadar Bazar
U/s 356/379/411 IPC

20.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the applications are being taken up through Video Conferencing today.

Joined through Video conferencing at 10.35 am.

This is an application for releasing of mobile make Vivo Y12 on superdari filed on behalf of applicant Mohd. Kaishar.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.

Mr. Pramod Kumar Maurya, Ld. Counsel for applicant has also joined the meeting through Cisco Webex.

Reply filed by the IO electronically. Copy of same has also been sent to Id. Counsel for applicant electronically.

It is submitted by IO/HC Nishant that in case FIR No. 292/20 u/s 283 IPC, no case property has been recovered and in case e-FIR No. 292/20 u/s 379 IPC, untrace report has been filed and no case property has been recovered.

Heard. Perused the record.

In view of the submissions of IO as no case property has been recovered in the present case, the present application 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 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.

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MM-06(C)/THC/Delhi/21.11.2020

State V/s Vicky
FIR No. 300/20
P.S. Sadar Bazar
U/S 186/353/263/509 IPC

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 02.00 pm.

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

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Ms. Madhu Kalia, Id. Counsel for applicant/accused has joined the meeting through Cisco Webex.

Ld. Counsel for accused has sought release of accused on bail on the ground that accused is innocent and falsely implicated in the present case. It is submitted that out of all the offences under which the accused has been booked, only section 353 IPC is a non-bailable offence and the said section is not attracted in the present case. It is submitted that the present FIR has been registered to deter the applicant from protecting the interest of fellow shopkeepers as the father of applicant is the President of Pahari Dheeraj, Vyapar Sangh. It is further submitted that the applicant and his father were approached by the shopkeepers of Pahari Dheeraj Market on 10.11.2020 when the police staff started ill-treating and misbehaving with the shopkeepers of Pahari Dheeraj Market and that the applicant/accused was only restraining the police officials from misbehaving with the ladies who had blocked the road and raising slogans against Delhi Police. The Ld. Counsel has also shown CCTV footage of the incident to Court. Ld. Counsel for accused has placed reliance upon the judgment pronounced by the Supreme Court in "**Arnesh Kumar Vs State of Bihar**

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in Crl. Appeal No. 1277 of 2014" while arguing that the police has not mentioned any reasons warranting the arrest of accused. It is further submitted that since police remand of accused has not been obtained, it shows that the accused is no more required for investigation and that the accused is ready to join the investigation, as and when required. It is further submitted that the applicant/accused has clean antecedents and a good status in the Sadar Bazar market and that he is a handicapped person. Therefore, it has been prayed that 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.

IO, in his reply, has stated that when W/SI Renu was taking the clothes which were blocking the public way in her custody, the accused alongwith his father started uttering abusive words towards her and started manhandling her which obstructed her from performing her duties. IO has opposed the bail application on the following grounds :

- (1). *That the accused was actively involved in the commission of offences.*
- (2). *That the accused if, set free, can deteriorate the ambience of Sadar Bazar market by instigating the illegal encroachers that can make the matter worse keeping in mind the COVID 19 pandemic.*
- (3). *That the accused has been previously involved in various offences and may indulge in same kind of offences again.*

Ld. APP for the State has opposed the bail application on the ground that since the father of accused is the President of Pahari Dheeraj, Vyapar Sangh, he would be in a position of influence over the market area and thus, may tamper with the witnesses and influence investigation. It is further submitted that the accused is a habitual offender and he has been previously involved in many cases of the same area.

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It is further submitted that whether ingredients of Section 353 IPC are made out or not is a matter of trial. It is submitted that since the investigation is at a very initial stage, the accused should not be released on bail.

Heard. Perused. The CCTV footage shown by Ld. Counsel for accused is not to be considered at this stage since nothing clear emerges from it. There is likelihood that releasing of accused at this crucial stage of investigation may cause interference or tampering with the evidence. In view of above reasons, I do not find it fit to release the accused on bail at this stage. Therefore, the present application stands 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.

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MM-06(C)/THC/Delhi/21.11.2020

State Vs Amit
FIR No. 501/20
P.S. Civil Lines
U/S 279/337 IPC

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today, Joined through Video Conferencing at 10.15 am.

This is an application for releasing of vehicle bearing No. DL-1PD-4257 on superdari filed by on behalf of applicant Narender Dabas.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.
Applicant/AR Narender Dabas alongwith Ld. LAC Mr. Abhishek Kumar,
has also joined the meeting through Cisco Webex.

Reply filed by the IO electronically. It is submitted by IO that the mechanical inspection of the vehicle has been conducted and all documents have been verified. It is also stated that the vehicle is no more required for the purpose of investigation and therefore, he has no objection if the vehicle is released to its rightful owner.

Applicant/ AR has filed authorization letter in his favour and copy of his ID card and Aadhar Card electronically. Copy of Adhar Card of Ashok Kumar Walia, Managing Director, Green City Transport Corporation Pvt. Ltd., has also been filed electronically.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle 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, vehicle bearing registration No. **DL-1PD-4257** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle 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 accused/applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

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Date: 2020.11.21 (SHIVLI TALWAR)
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(Misc Application) Mohd. Rehan Vs State
P.S. Sadar Bazar

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts
Roaster/ 2020 dated 25.10.2020, the cases are being taken up through Video
Conferencing today.

Present : Ld. APP for State has joined the meeting through Cisco Webex.

Mr. P.K. Gupta, Id. Counsel for the applicant.

ATR has been filed. Same is taken on record.

Be put up for further proceedings on **05.12.2020**.

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