# FIR No. 30/20 PS Rajinder Nagar U/s 307/387/452/120B/34 IPC State Vs Abhay Arora

22.07.2020

At 12.50 P.M.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State. Sh. Chetan Pangasa Ld. Proxy Counsel for Sh. Mukesh Kalia, Ld. Counsel for the applicant/accused Abhay Arora Sh R.R. Dua, Ld. Counsel for the complainant.

Proceedings conducted through Video

## conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Certain documents filed on record on behalf of

complainant. Adjournment is requested by Ld. proxy counsel for

the applicant/ accused.

At request of Ld. Proxy Counsel for the Applicant/accused put up for again on **27/07/2020.** 

Digitally signed by LOVLEEN LOVLEEN Date: (LOVLEEN 020.07.22 PO MACT-02 (CEN) 33.30 DELHI/22.07.2020 (K)

# FIR No.273/19 PS I.P.Estate U/s 420/406/468/471 IPC Indira Rani Sagar Vs State

22.07.2020

At 12:40 PM

# Present: Sh. Manoj Garg, Ld. Addl. PP for the State. Sh. Darshan Paliwal, Ld. Counsel for the applicant/accused Indira Rani Sagar IO SI Naveen (no. 16140322) is present.

Proceedings conducted through Video

# conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply to first anticipatory bail application has been

sent in by the IO concerned.

Ld. Counsel for the applicant/ accused submits

that he wants to withdraw the present bail application. In view of the submissions of the Ld. Counsel for the applicant/ accused, the present bail application stands dismissed as withdrawn.

LOVLEEN Date: 2020.07.22 16:33:44 +0530

At this stage, Ld. APP for the state submits that his submission may be recorded before parting with the file. Ld. APP submits that IO has not invoked the provisions of the PC Act, which are clearly attracted in the present FIR. IO submits that case involves a large number of public servants and the record is voluminous. IO further submits that he is trying his best to collect the evidence and he has issued several notices in this regard. Be that as it may, IO may take prompt steps to take the investigation to a logical conclusion.

As requested by the Ld. APP, a copy of this order be sent to the DCP concerned for information.

## File be consigned to record room as per rules.

LOVLEEN Date: 2020.07.22 16:34:00 +0530

FIR No. 210/2020

#### PS Sarai Rohilla U/S 186/353/307/147/148/149/379/34 IPC & 27 Arms Act State Vs Inam-Ur-Rehman

22/07/2020

At 4:00 PM

## ORDER ON ANTICIPATORY BAIL APPLICATION MOVED ON BEHALF OF APPLICANT / ACCUSED INAM UR REHMAN.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State. Mr. Farhat Qadeeri, Ld. Counsel for the applicant/accused Inam Ur Rehman. IO SI Pushpender Saroha (no. D-5003 PS Sarai Rohilla) is present.

Matter taken up through Video conferencing by means

of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply filed by the IO.

Oral submissions were heard at length in the morning

session.

The brief facts of the present case are that on 10/06/2020,

complainant SI Pankaj Thakran was on duty as Incharge Police

# LOVLEEN

Digitally signed by LOVLEEN Date: 2020.07.22 16:34:59 +0530

Post Inderlok (within the jurisdiction of PS Sarai Rohilla). At around 8:30 pm, one person named Kale came to the police post and informed the complainant that Mohseen, Sadkeen, Salman, Naved @ Pilla and others beat him and looted articles from his shop. The complainant sent his staff to fetch Sadkeen and others to the In a short while, the police personnel brought police post. Sadkeen to the police post. They were followed by Mohseen, Salman, Naved @ Pilla and others to the police post. All of them started using abusive language. The complainant tried to pacify them but all in vain. Naved @ Pilla was reportedly having a gun in his hand and other persons accompanying him were armed with Lathis and Sticks. The complainant managed to get all these people out of the police post but they started pelting stones. One of the stones struck the head of the complainant. The complainant fired one round from his service pistol in his defence. In response, Naved @ Pilla also fired a round. The complainant felt that situation was aggravating. Accordingly, he handed over his

> LOVLEEN LOVLEEN Date: 2020.07.22 16:35:10 +0530

Contd/--

--2--

service pistol to a constable and went inside to fetch one AK 47 (Rifle) from the Police Post. The said persons then ran towards a Gali (lane) from where some shots were fired. The complainant requisitioned some more police personnel from the police station. The complainant then got registered the present FIR claiming that Mohseen, Sadkeen, Salman and others attacked the police post and to have caused hurt to the police officials in order to prevent them from discharging their official duties.

Ld. Counsel for the applicant/ accused has submitted that the name of the applicant/ accused does not figure in the FIR. He further submits that the applicant/ accused Inam Ur Rehman does not stay in the area of incident, rather he stays near Zakir Hussain college. He has further submitted that applicant/ accused was not even available in the area at the time of incident. It has been further submitted on behalf of the applicant/ accused that he has been named by the police officials as his maternal relatives are

Digitally signed by LOVLEEN

5:35:33 + 0530

2020.07.22

Date:

LOVLEEN

Contd/--

--3--

named in a connected FIR No. 211/2020 dated 11/06/2020 PS Sarai Rohilla. It has been further submitted by the ld counsel that the applicant/accused does not have any criminal antecedents. It has been further submitted that no notice was served upon the applicant/ accused U/s 160 CrPC to join the investigation. It has been further argued that the availability or otherwise of the applicant/ accused at the relevant time may be ascertained from the CCTV footage of the police post. It has been lastly submitted that the applicant/ accused is ready and willing to join the investigation and therefore his life and liberty may be protected by granting anticipatory bail, keeping in view his young age.

--4--

On the other hand, IO submits that the present one is a case involving mass rioting and therefore police has also invoked Section 147/148/149 IPC against the accused persons. As to the identity of the applicant/ accused, IO submits that CCTV footage of the incident has already been preserved. It is further submitted

LOVLEEN Date: 2020.07.22 16:35:44 +0530

that as per CCTV footage, about 15/20 people were involved in the incident of rioting and the applicant / accused Inam Ur Rehman was identified by the complainant from the CCTV footage. It has been further submitted by the IO that the place of abode of the applicant/ accused is situated just 50 meters away from the police post (i.e place of occurrence) and the police personnel sent several requests to the house of the applicant/ accused to join the investigation but he did not respond. Consequently, Investigating Agency got NBWs issued against the applicant/ accused from the court of Ld. MM concerned but applicant/ accused Inam Ur Rehman could not be apprehended. As such, proceedings U/s 82 Cr.PC were then initiated against the applicant/ accused. IO submits that process U/s 82 CrPC has already been pasted at the address of the applicant/ accused on 16/07/2020. It is lastly submitted by IO that the present applicant and three other persons are still wanted by the Investigating

> LOVLEEN Digitally signed by LOVLEEN Date: Contd/--2020.07.22 16:36:37 +0530

--5--

agency in this case. IO opposes the grant of anticipatory bail to the applicant/ accused. Ld. APP has also opposed the prayer made by the counsel for the applicant/ accused.

--6--

In rebuttal, counsel for the applicant/ accused submits that CCTV footage may be requisitioned in order to ascertain the identity of the applicant / accused Inam Ur Rehman as one of the rioters at the relevant time.

This court has considered the rival submissions. At the very outset, this court must decline the prayer of the counsel for the applicant/ accused as to the requisitioning of CCTV footage at this stage. Reason being the fact that this Court is not supposed to conduct a mini trial while dealing with the present bail application. The investigating agency zeroed-in upon the applicant/ accused on the basis of the supplementary statement made by the complainant, who reportedly made it after reviewing the CCTV footage available in the custody of the police. Moreover, the exact location of applicant/accused on the date and time of incident has

LOVLEEN

Digitally signed by LOVLEEN Date: 2020.07.22 16:36:50 +0530

not been revealed during the arguments even today. As such, there is no reason to requisition the CCTV footage before disposing of the present bail application. If at all any inconsistency is discovered in the above contentions of the investigating agency, the applicant/ accused shall surely avail the benefit thereof.

--7--

Proceeding further, this court feels that the present case inter-alia involves the commission of the offence of rioting apart from the other offences invoked in the present FIR. The investigation is at a preliminary stage. Applicant has not joined the investigation till date, rather he seems to have been evading the police. Keeping in view the gravity of the offences and the seriousness of the allegations against the applicant/ accused as well as his conduct, this Court is not inclined to enlarge the applicant/ accused Inam Ur Rehman on anticipatory bail at this stage. The present bail application stands dismissed.

A copy of this order be uploaded on the official website of Delhi District Courts.

16:37:09 +0530

LOVLEEN Date: 2020.07.22

LOVLEEN) Digitally signed by LOVLEEN Date: Deterministry Deterministry

FIR No.407/20 PS ODRS U/s 379/411/413 IPC State Vs. Nizam Sheikh

22.07.2020 At 02.00 P.M. Present : Sh. Manoj Garg, Ld. Addl PP for the State. IO ASI Sukhpal (No. 31Rly) from PS ODRS is present. Sh. Shami Sudhakar, Ld. Counsel for the applicant/accused Nizam Sheikh

Proceedings conducted through Video

### conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has been sent in by the IO concerned.

Submissions heard. Record perused.

Upon query by this Court, it is submitted by the IO

that the Special Staff of East District, Delhi apprehended the applicant/accused Nizam Sheikh and recovered a large number of stolen mobile phones on 12/05/2020. The cache of mobile phones also included a mobile phone (reported to have been stolen vide the present FIR) which was actually stolen on 20/03/2020 but complainant lodged the present FIR in respect of its theft only

> LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:37:21 +0530

Digitally

Contd/

#### --2--

#### FIR No.407/20

#### **PS ODRS**

on 18/05/2020. (ie. 59 days after the theft of the mobile phone and around 06 days after its recovery by the special staff of the East District). The investigating agency has invoked Section 413 IPC against the applicant/accused apart from the usual section (i.e. 411 IPC).

Ld. Counsel for the applicant/accused submits that Section 413 IPC could not have been invoked by the police as the applicant/accused is not previously convicted for possession of stolen property.

On the other hand, Ld.Addl.PP for the State submits that since the applicant/accused is previously involved in multiple cases of possession of stolen property, accordingly, police has rightly invoked Section 413 IPC against the applicant/accused.

This Court has considered the rival submissions.

It would be appropriate to leave the question of propriety or otherwise of the invocation of Section 413 IPC to the wisdom of the Ld. Trial Court, to be decided at the time of framing of charge/trial as it would have the advantage of availability of complete records. Considering the fact that the present FIR was registered not

> LOVLEEN Date: 2020.07.22 16:37:32 +0530

only after a gap of 59 days after the alleged theft of the mobile phone but also after a gap of 06 days after the same was recovered by the Special Staff, and also the fact that the applicant is languishing in custody since 11/05/2020 and is no longer required for investigation, and trial may get delayed due to COVID-19; the applicant/accused Nizam Sheikh is admitted to bail upon furnishing a bail in a sum of Rs. 25,000/- with one surety of like amount to the satisfaction of Ld. Duty MM/Ld. MM concerned.

--3--

It is directed that applicant/accused shall not involve himself in any such case henceforth, failing which the investigating agency shall be at liberty to seek cancellation of bail in this case. With these observations, the present bail application stands disposed of.

Copy of this order be sent to the court of Ld. Duty MM / Concerned Trial Court as well as Jail Superintendent.

Copy of this order be given dasti to Ld. Counsel for the applicant/accused Nizam Sheikh as requested.



--4--

Copy of this order be uploaded on the official

website immediately.

# File be consigned to Record Room.

LOVLEEN Date: 2020.07.22 16:37:54 +0530

MACT No. 1080-18

22.07.2020

At 02.30 P.M.

Present : Sh. Dharmender Gupta, Ld. Counsel for the petitioner. Sh. Amit Kumar Malhan Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:38:14 +0530

MACT No. 231-20

22.07.2020

At 02.40 P.M.

Present : Sh.Sanjeev Kumar, Ld. Counsel for the petitioner. Sh. Amit Kumar Malhan Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:38:24 +0530 (LOVLEEN) PO MACT-02 (CENTRAL) DELHI/22.07.2020 (к) MACT No. 576-18 & 577-18

22.07.2020

At 03.00 P.M.

Present : Sh.S.K.Pandey, Ld. Counsel for the petitioner. Sh.V.K.Gupta,Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN Date: 2020.07.22 16:38:33 +0530

MACT No. 459-18

22.07.2020

At 03.05 P.M.

Present : Sh. Naveen Kumar Singh, Ld. Counsel for the petitioner. Sh.Amit Kumar Malhan,Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN Digitally signed by LOVLEEN Date: 2020.07.22 16:38:43 +0530

MACT No. 47-19 22.07.2020 At 03.15 P.M.

File is taken up upon an oral request made by Sh. V.K.Gupta, Ld. Counsel for the insurance company during Pre-Sitting proceedings being conducted through Webex in other matters. An SMS bearing details of case has been sent which is Annexure A.

It is submitted by Ld. Counsel for the insurance company that the present matter has been amicably settled between the insurance company and the petitioner for a sum of **Rs. Thirty Thousand** and a request for referring the matter to the Lok Adalat scheduled for **26/07/2020 has been made**.

As requested, put up for recording of statements of parties before the Lok Adalat scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEN LOVLEEN LOVLEEN

# FIR No. 30/20 PS Rajinder Nagar U/s 307/387/452/120B/34 IPC State Vs Abhay Arora

22.07.2020

At 12.50 P.M.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State. Sh. Chetan Pangasa Ld. Proxy Counsel for Sh. Mukesh Kalia, Ld. Counsel for the applicant/accused Abhay Arora Sh R.R. Dua, Ld. Counsel for the complainant.

Proceedings conducted through Video

## conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Certain documents filed on record on behalf of

complainant. Adjournment is requested by Ld. proxy counsel for

the applicant/ accused.

At request of Ld. Proxy Counsel for the Applicant/accused put up for again on **27/07/2020.** 

Digitally signed by LOVLEEN LOVLEEN Date: (LOVLEEN 020.07.22 PO MACT-02 (CEN) 33.30 DELHI/22.07.2020 (K)

# FIR No.273/19 PS I.P.Estate U/s 420/406/468/471 IPC Indira Rani Sagar Vs State

22.07.2020

At 12:40 PM

# Present: Sh. Manoj Garg, Ld. Addl. PP for the State. Sh. Darshan Paliwal, Ld. Counsel for the applicant/accused Indira Rani Sagar IO SI Naveen (no. 16140322) is present.

Proceedings conducted through Video

# conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply to first anticipatory bail application has been

sent in by the IO concerned.

Ld. Counsel for the applicant/ accused submits

that he wants to withdraw the present bail application. In view of the submissions of the Ld. Counsel for the applicant/ accused, the present bail application stands dismissed as withdrawn.

LOVLEEN Date: 2020.07.22 16:33:44 +0530

At this stage, Ld. APP for the state submits that his submission may be recorded before parting with the file. Ld. APP submits that IO has not invoked the provisions of the PC Act, which are clearly attracted in the present FIR. IO submits that case involves a large number of public servants and the record is voluminous. IO further submits that he is trying his best to collect the evidence and he has issued several notices in this regard. Be that as it may, IO may take prompt steps to take the investigation to a logical conclusion.

As requested by the Ld. APP, a copy of this order be sent to the DCP concerned for information.

## File be consigned to record room as per rules.

LOVLEEN Date: 2020.07.22 16:34:00 +0530

FIR No. 210/2020

#### PS Sarai Rohilla U/S 186/353/307/147/148/149/379/34 IPC & 27 Arms Act State Vs Inam-Ur-Rehman

22/07/2020

At 4:00 PM

## ORDER ON ANTICIPATORY BAIL APPLICATION MOVED ON BEHALF OF APPLICANT / ACCUSED INAM UR REHMAN.

Present: Sh. Manoj Garg, Ld. Addl. PP for the State. Mr. Farhat Qadeeri, Ld. Counsel for the applicant/accused Inam Ur Rehman. IO SI Pushpender Saroha (no. D-5003 PS Sarai Rohilla) is present.

Matter taken up through Video conferencing by means

of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply filed by the IO.

Oral submissions were heard at length in the morning

session.

The brief facts of the present case are that on 10/06/2020,

complainant SI Pankaj Thakran was on duty as Incharge Police

# LOVLEEN

Digitally signed by LOVLEEN Date: 2020.07.22 16:34:59 +0530

Post Inderlok (within the jurisdiction of PS Sarai Rohilla). At around 8:30 pm, one person named Kale came to the police post and informed the complainant that Mohseen, Sadkeen, Salman, Naved @ Pilla and others beat him and looted articles from his shop. The complainant sent his staff to fetch Sadkeen and others to the In a short while, the police personnel brought police post. Sadkeen to the police post. They were followed by Mohseen, Salman, Naved @ Pilla and others to the police post. All of them started using abusive language. The complainant tried to pacify them but all in vain. Naved @ Pilla was reportedly having a gun in his hand and other persons accompanying him were armed with Lathis and Sticks. The complainant managed to get all these people out of the police post but they started pelting stones. One of the stones struck the head of the complainant. The complainant fired one round from his service pistol in his defence. In response, Naved @ Pilla also fired a round. The complainant felt that situation was aggravating. Accordingly, he handed over his

> LOVLEEN LOVLEEN Date: 2020.07.22 16:35:10 +0530

Contd/--

--2--

service pistol to a constable and went inside to fetch one AK 47 (Rifle) from the Police Post. The said persons then ran towards a Gali (lane) from where some shots were fired. The complainant requisitioned some more police personnel from the police station. The complainant then got registered the present FIR claiming that Mohseen, Sadkeen, Salman and others attacked the police post and to have caused hurt to the police officials in order to prevent them from discharging their official duties.

Ld. Counsel for the applicant/ accused has submitted that the name of the applicant/ accused does not figure in the FIR. He further submits that the applicant/ accused Inam Ur Rehman does not stay in the area of incident, rather he stays near Zakir Hussain college. He has further submitted that applicant/ accused was not even available in the area at the time of incident. It has been further submitted on behalf of the applicant/ accused that he has been named by the police officials as his maternal relatives are

Digitally signed by LOVLEEN

5:35:33 + 0530

2020.07.22

Date:

LOVLEEN

Contd/--

--3--

named in a connected FIR No. 211/2020 dated 11/06/2020 PS Sarai Rohilla. It has been further submitted by the ld counsel that the applicant/accused does not have any criminal antecedents. It has been further submitted that no notice was served upon the applicant/ accused U/s 160 CrPC to join the investigation. It has been further argued that the availability or otherwise of the applicant/ accused at the relevant time may be ascertained from the CCTV footage of the police post. It has been lastly submitted that the applicant/ accused is ready and willing to join the investigation and therefore his life and liberty may be protected by granting anticipatory bail, keeping in view his young age.

--4--

On the other hand, IO submits that the present one is a case involving mass rioting and therefore police has also invoked Section 147/148/149 IPC against the accused persons. As to the identity of the applicant/ accused, IO submits that CCTV footage of the incident has already been preserved. It is further submitted

LOVLEEN Date: 2020.07.22 16:35:44 +0530

that as per CCTV footage, about 15/20 people were involved in the incident of rioting and the applicant / accused Inam Ur Rehman was identified by the complainant from the CCTV footage. It has been further submitted by the IO that the place of abode of the applicant/ accused is situated just 50 meters away from the police post (i.e place of occurrence) and the police personnel sent several requests to the house of the applicant/ accused to join the investigation but he did not respond. Consequently, Investigating Agency got NBWs issued against the applicant/ accused from the court of Ld. MM concerned but applicant/ accused Inam Ur Rehman could not be apprehended. As such, proceedings U/s 82 Cr.PC were then initiated against the applicant/ accused. IO submits that process U/s 82 CrPC has already been pasted at the address of the applicant/ accused on 16/07/2020. It is lastly submitted by IO that the present applicant and three other persons are still wanted by the Investigating

> LOVLEEN Digitally signed by LOVLEEN Date: Contd/--2020.07.22 16:36:37 +0530

--5--

agency in this case. IO opposes the grant of anticipatory bail to the applicant/ accused. Ld. APP has also opposed the prayer made by the counsel for the applicant/ accused.

--6--

In rebuttal, counsel for the applicant/ accused submits that CCTV footage may be requisitioned in order to ascertain the identity of the applicant / accused Inam Ur Rehman as one of the rioters at the relevant time.

This court has considered the rival submissions. At the very outset, this court must decline the prayer of the counsel for the applicant/ accused as to the requisitioning of CCTV footage at this stage. Reason being the fact that this Court is not supposed to conduct a mini trial while dealing with the present bail application. The investigating agency zeroed-in upon the applicant/ accused on the basis of the supplementary statement made by the complainant, who reportedly made it after reviewing the CCTV footage available in the custody of the police. Moreover, the exact location of applicant/accused on the date and time of incident has

LOVLEEN

Digitally signed by LOVLEEN Date: 2020.07.22 16:36:50 +0530

not been revealed during the arguments even today. As such, there is no reason to requisition the CCTV footage before disposing of the present bail application. If at all any inconsistency is discovered in the above contentions of the investigating agency, the applicant/ accused shall surely avail the benefit thereof.

--7--

Proceeding further, this court feels that the present case inter-alia involves the commission of the offence of rioting apart from the other offences invoked in the present FIR. The investigation is at a preliminary stage. Applicant has not joined the investigation till date, rather he seems to have been evading the police. Keeping in view the gravity of the offences and the seriousness of the allegations against the applicant/ accused as well as his conduct, this Court is not inclined to enlarge the applicant/ accused Inam Ur Rehman on anticipatory bail at this stage. The present bail application stands dismissed.

A copy of this order be uploaded on the official website of Delhi District Courts.

16:37:09 +0530

LOVLEEN Date: 2020.07.22

LOVLEEN) Digitally signed by LOVLEEN Date: Deterministry Deterministry

FIR No.407/20 PS ODRS U/s 379/411/413 IPC State Vs. Nizam Sheikh

22.07.2020 At 02.00 P.M. Present : Sh. Manoj Garg, Ld. Addl PP for the State. IO ASI Sukhpal (No. 31Rly) from PS ODRS is present. Sh. Shami Sudhakar, Ld. Counsel for the applicant/accused Nizam Sheikh

Proceedings conducted through Video

### conferencing by means of Webex Meet.

The present bail application has been taken up in

pursuance to order no. 15778-15808/Bail Power/Gaz./2020 dated

15/07/2020 issued by Ld. District & Sessions Judge (HQs) Delhi.

Reply has been sent in by the IO concerned.

Submissions heard. Record perused.

Upon query by this Court, it is submitted by the IO

that the Special Staff of East District, Delhi apprehended the applicant/accused Nizam Sheikh and recovered a large number of stolen mobile phones on 12/05/2020. The cache of mobile phones also included a mobile phone (reported to have been stolen vide the present FIR) which was actually stolen on 20/03/2020 but complainant lodged the present FIR in respect of its theft only

> LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:37:21 +0530

Digitally

Contd/

#### --2--

#### FIR No.407/20

#### **PS ODRS**

on 18/05/2020. (ie. 59 days after the theft of the mobile phone and around 06 days after its recovery by the special staff of the East District). The investigating agency has invoked Section 413 IPC against the applicant/accused apart from the usual section (i.e. 411 IPC).

Ld. Counsel for the applicant/accused submits that Section 413 IPC could not have been invoked by the police as the applicant/accused is not previously convicted for possession of stolen property.

On the other hand, Ld.Addl.PP for the State submits that since the applicant/accused is previously involved in multiple cases of possession of stolen property, accordingly, police has rightly invoked Section 413 IPC against the applicant/accused.

This Court has considered the rival submissions.

It would be appropriate to leave the question of propriety or otherwise of the invocation of Section 413 IPC to the wisdom of the Ld. Trial Court, to be decided at the time of framing of charge/trial as it would have the advantage of availability of complete records. Considering the fact that the present FIR was registered not

> LOVLEEN Date: 2020.07.22 16:37:32 +0530

only after a gap of 59 days after the alleged theft of the mobile phone but also after a gap of 06 days after the same was recovered by the Special Staff, and also the fact that the applicant is languishing in custody since 11/05/2020 and is no longer required for investigation, and trial may get delayed due to COVID-19; the applicant/accused Nizam Sheikh is admitted to bail upon furnishing a bail in a sum of Rs. 25,000/- with one surety of like amount to the satisfaction of Ld. Duty MM/Ld. MM concerned.

--3--

It is directed that applicant/accused shall not involve himself in any such case henceforth, failing which the investigating agency shall be at liberty to seek cancellation of bail in this case. With these observations, the present bail application stands disposed of.

Copy of this order be sent to the court of Ld. Duty MM / Concerned Trial Court as well as Jail Superintendent.

Copy of this order be given dasti to Ld. Counsel for the applicant/accused Nizam Sheikh as requested.



--4--

Copy of this order be uploaded on the official

website immediately.

# File be consigned to Record Room.

LOVLEEN Date: 2020.07.22 16:37:54 +0530

MACT No. 1080-18

22.07.2020

At 02.30 P.M.

Present : Sh. Dharmender Gupta, Ld. Counsel for the petitioner. Sh. Amit Kumar Malhan Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:38:14 +0530

MACT No. 231-20

22.07.2020

At 02.40 P.M.

Present : Sh.Sanjeev Kumar, Ld. Counsel for the petitioner. Sh. Amit Kumar Malhan Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEEN LOVLEEN LOVLEEN Date: 2020.07.22 16:38:24 +0530 (LOVLEEN) PO MACT-02 (CENTRAL) DELHI/22.07.2020 (к) MACT No. 576-18 & 577-18

22.07.2020

At 03.00 P.M.

Present : Sh.S.K.Pandey, Ld. Counsel for the petitioner. Sh.V.K.Gupta,Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN Date: 2020.07.22 16:38:33 +0530

MACT No. 459-18

22.07.2020

At 03.05 P.M.

Present : Sh. Naveen Kumar Singh, Ld. Counsel for the petitioner. Sh.Amit Kumar Malhan,Ld. Counsel for the insurance company.

This is a pre-sitting preceeding the e-Lok

Adalat Dated 26/07/2020. Proceedings conducted through Video

conferencing by means of Webex Meet.

It is submitted jointly by Ld. Counsel for the parties

that there are chances of amicable settlement.

At joint request, put up before the Lok Adalat

scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN Digitally signed by LOVLEEN Date: 2020.07.22 16:38:43 +0530

MACT No. 47-19 22.07.2020 At 03.15 P.M.

File is taken up upon an oral request made by Sh. V.K.Gupta, Ld. Counsel for the insurance company during Pre-Sitting proceedings being conducted through Webex in other matters. An SMS bearing details of case has been sent which is Annexure A.

It is submitted by Ld. Counsel for the insurance company that the present matter has been amicably settled between the insurance company and the petitioner for a sum of **Rs. Thirty Thousand** and a request for referring the matter to the Lok Adalat scheduled for **26/07/2020 has been made**.

As requested, put up for recording of statements of parties before the Lok Adalat scheduled for **26/07/2020.** 

Parties to appear accordingly.

LOVLEEN LOVLEN LOVLEEN LOVLEEN