

27.11.2020

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.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Jitender @ Pahari.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Mr. Anil Kumar, Ld. Counsel for applicant/accused has joined meeting through Cisco Webex.

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, Aman has already been granted regular bail by this Court. It is further submitted that an altercation had taken place between the complainant and the applicant/accused and the complainant got the applicant/accused implicated in the present false case in collusion with the local police. It is submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that accused is a sole bread earner of his family and has the responsibility to maintain his wife and four minor children. It is further submitted that investigation qua accused is already complete and he is no more required for any custodial interrogation. Ld. Counsel submits that the applicant/accused is currently released on interim bail by this Court vide order dated 12.10.2020 and prays for grant of regular bail to the accused.

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 out of the total stolen amount of Rs.1,00,000/-, Rs.65,000/- has been recovered from the accused. It is stated that the accused is a BC of PS Nabi Karim and he may abscond, threaten witnesses and tamper with evidence, if released on bail.

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Ld. APP for the State has opposed the bail application on the ground that the recovery of Rs.65,000/- has been made from the applicant/accused and the remaining amount i.e. Rs.35,000/- is yet to be recovered in the present case. It is further submitted that the applicant/accused is currently in JC in many cases of the same nature and he may commit similar offences again, if released on bail.

Heard. Perused. Recovery of the entire stolen amount has not yet been effected from the applicant/accused and he is a habitual offender and involved in cases of similar nature. There is possibility that the applicant/accused may influence/threaten witnesses and tamper with evidence if released on bail. Hence, this Court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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 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/27.11.2020

27.11.2020

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.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Sumit.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Mr. N.K. Tripathi, Ld. Counsel for applicant/accused has joined meeting through Cisco Webex.

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 the name of the applicant/accused is not mentioned in the present FIR. 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 a young boy aged 25 years 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 30.10.2020 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, Tinku. It is stated that accused has been previously involved in a theft case and he may commit similar offences again, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the case property has been recovered from possession of accused and the accused may commit similar offences again, if released on bail.

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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 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.

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27.11.2020

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.

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The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Rohan.

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

Mr. Nitin Gupta, Id. Counsel for applicant/accused has joined meeting through Cisco Webex.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused has been arrested on the basis of a disclosure statement. It is further submitted that no recovery has been made from or at the instance of accused despite police remand of the applicant/accused. It is further submitted that recovery of the robbed amount, Rs.5 lacs has in fact been made from Pawan Kumar, Head Constable, PS Kotwali who has been released on bail. It is further submitted that the applicant/accused is a young boy aged 22 years. It is further submitted that two co-accused persons have been released on bail by Ld. Sessions Court and one co-accused has been released on interim bail. It is further 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 CCTV footage cannot be relied upon as the same has not been filed along-with the reply and it has not been seen by the Court. It is further submitted that the accused is in JC since 15.08.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Charge-sheet has been filed in the present case. 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 accused has refused to participate in the TIP proceedings. It is mentioned in the

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reply that the CCTV footage dated 06.08.2020 installed at outer Ring Road, Behind Shanti Van, clearly shows the applicant and his co-accused, Sumit being intercepted by the police official of PS Kotwali. The present applicant/accused ran away. The robbed cash of Rs.5 lacs was later on recovered from one Delhi Police Official, Pawan Kumar Tyagi on 18.08.2020. The present accused along-with co-accused Sanjay was arrested by the Special Staff of South District u/s. 41.1(D) Cr. P.C. vide DD No.93A dated 14.08.2020. Thereafter, they have been formally arrested in the present case on 17.08.2020. It is stated that co-accused Vikash @ Rohit is still absconding. It is further stated that accused is a habitual offender and an active participant in the offence and the offence is heinous in nature. It is further stated that investigation of the case is still in progress. It is further stated that accused may hamper the investigation and influence the witnesses, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the accused is previously involved in other cases. Ld. APP has placed reliance upon the CCTV footage mentioned by the IO in his reply to oppose the bail application of the accused. It is submitted that the disclosure statement of accused and his co-accused, Sumit led to recovery of money from Head Constable Pawan Kumar. It is further submitted that the fact that the accused refused to undergo TIP shows that he was involved in the commission of the present offence. It is further submitted that further custody of accused is required to trace out co-accused Vikash @ Rohit who is still absconding. It is further submitted that the offence committed by the accused is grave and serious in nature, hence, he should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

There are specific allegations against the accused in the present case. Accused has refused to participate in TIP proceedings. It is mentioned in the reply of IO that there is CCTV footage showing the accused being intercepted by the police. There are chances that if the accused is released on bail, he may threaten the complainant/witnesses. Further custody of accused is required to trace out co-accused Vikash @ Rohit who is still absconding. Furthermore, the present FIR has been registered u/s. 392/394/411 IPC and Section 394 IPC is punishable with up to imprisonment for life. Hence, considering the gravity of the offence and seriousness of

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FIR No.320/20 PS Civil Lines

the allegations, this Court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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