

DD no. 8 dated 12.07.2021
PS Sarai Rohilla

(Through Video Conferencing)

27.07.2021

Application for seeking direction to the concerned IO/SHO for filing the status report in DD no. 8 dated 12.07.2021.

Present: Ld. APP for the State
Sh. Abhishek Ranjan, Ld. Counsel for complainant.
IO SI Shambhu Kumar Jha in person.

Status report filed by IO. IO has submitted that all the parties in the present case are siblings and the dispute is familial in nature. Copy has been supplied to ld. Counsel for complainant.

Application is disposed of accordingly.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the complainant on his email/whatsapp.

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(Charu Asiwal)
MM-04/Central:
Delhi/27.07.2021

E.FIR No. 413/2021
PS Sarai Rohilla
U/S 420/411/34 IPC
State Vs. Gurmeet Singh S/o Karnail Singh
Kripal Singh S/o Mohan Singh
Gurdeep Singh S/o Kimat Singh

(Through Video Conferencing)

27.07.2021

Bail applications u/s 437 Cr.P.C on behalf of above said accused persons namely Gurmeet Singh S/o Karnail Singh, Kripal Singh S/o Mohan Singh and Gurdeep Singh S/o Kimat Singh

Present: Ld. APP for the State
Sh. A.K. Mishra, Ld. Counsel for accused.

Ld. Counsel for accused has submitted that he wants to withdraw bail applications with respect to the above mentioned accused persons.

Heard.

In light of the prayer made, applications are allowed to be withdrawn.

Applications are disposed of accordingly.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

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MM-04/Central:
Delhi/27.07.2021

E.FIR No. 000128/2021

PS HNRS

U/S 379/411 IPC

State Vs. Manoj @ Babu @ Bakri S/o Ratan Bhattacharya

(Through Video Conferencing)

27.07.2021

2nd Bail application under section 437 Cr.P.C for grant of bail on behalf of accused
Manoj @ Babu @ Bakri S/o Ratan Bhattacharya

Present: Ld. APP for the State
Sh. Ajay Sharma, Ld. Counsel for accused.

Counsel for accused has submitted that accused is in JC since 20.07.2021 and has been falsely implicated in the present case, as there are no cogent evidence to support the version of prosecution.

I have heard ld counsel for accused and perused the reply.

Offence is serious in nature. Further, the first bail application of the accused was dismissed vide order dated 21.07.2021 of the Ld. Duty MM, since then there has been no change of circumstance, neither has change of circumstance, if any, been highlighted by the Ld. Counsel for the accused. Furthermore, investigation is at nascent stage. Accused also appears to be repeat offender, as he has previous involvement in seven other cases of similar nature.

No ground for bail is made out. Application is accordingly dismissed.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

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(Charu Asiwali)
MM-04/Central:
Delhi/27.07.2021

E.FIR no. 000412/2021
PS : Sarai Rohilla
U/s 356/379/411 IPC

27.07.2021

Through Video Conferencing

An application has been moved on behalf of applicant for release of mobile phone make Samsung colour grey on superdari.

Present: Ld. APP for the State.
Sh. A. Anand, Ld. Counsel for applicant.

Arguments heard.

It is submitted by counsel for applicant that applicant Virender Singh is the rightful owner of the mobile phone make Samsung colour grey. Photocopy of Aadhaar card and invoice filed by the applicant.

As per report of IO, he has no objection to release of the mobile phone to applicant/ rightful owner on superdari.

Accordingly, in view of observations of Hon'ble High Court of Delhi in 'Manjeet Singh Vs State' (CRL M.C 4485/2013 and CRL.M.A 16055/2013) date of decision 10.09.2014 the mobile phone make Samsung colour grey **(as per reply filed by IO)** be released to the applicant to the satisfaction of IO/SHO. The IO/SHO is further directed to take photographs of mobile phone showing its IMEI number/serial number/make etc and get the said photographs signed by the applicant on their rear. The photographs along with CD shall be filed by IO alongwith final report. IO is further directed to take address proof of the applicant before releasing the mobile phone.

The application is disposed of accordingly. Copy of order be provided to the applicant on whatsapp/email.

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MM-04 (Central)
Delhi/27.07.2021

E.FIR no. 000468/2021
PS : Sarai Rohilla
U/s 356/379/411 IPC

27.07.2021

Through Video Conferencing

An application has been moved on behalf of applicant for release of mobile phone make VIVO V17 Pro color black on superdari.

Present: Ld. APP for the State.
Sh. A. Anand, Ld. Counsel for applicant.

Arguments heard.

It is submitted by counsel for applicant that applicant Rajvinder Kaur is the rightful owner of the mobile phone make VIVO V17 Pro color black. Photocopy of Aadhaar card and invoice filed by the applicant.

As per report of IO, he has no objection to release of the mobile phone to applicant/ rightful owner on superdari.

Accordingly, in view of observations of Hon'ble High Court of Delhi in 'Manjeet Singh Vs State' (CRL M.C 4485/2013 and CRL.M.A 16055/2013) date of decision 10.09.2014 the mobile phone make VIVO V17 Pro color black **(as per reply filed by IO)** be released to the applicant to the satisfaction of IO/SHO. The IO/SHO is further directed to take photographs of mobile phone showing its IMEI number/serial number/make etc and get the said photographs signed by the applicant on their rear. The photographs along with CD shall be filed by IO alongwith final report. IO is further directed to take address proof of the applicant before releasing the mobile phone.

The application is disposed of accordingly. Copy of order be provided to the applicant on whatsapp/email.

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(Charu Asiwal)
MM-04 (Central)
Delhi/27.07.2021

E.FIR No. 003275/2020
PS Sarai Rohilla
U/S 379/411/34 IPC
State Vs. Mukesh @ Vicky S/o Sunder Singh

(Through Video Conferencing)

27.07.2021

Application under section 437 Cr.P.C for grant of bail on behalf of accused Mukesh @ Vicky S/o Sunder Singh

Present: Ld. APP for the State
Sh. MD. Shahrukh, Ld. Counsel for accused.

Counsel for accused has submitted that accused is in JC since 07.02.2020 and has been falsely implicated in the present case. Counsel for accused has submitted that accused is a young person of aged about 28 years and he is married man having his family consisting with his wife and one girl of aged about 7 years.

I have heard ld counsel for accused and perused the reply.

Accused has similar previous involvements for more than **dozen cases**. Offence is serious in nature. Charge-sheet has been filed. Considered. However, in case titled as Rajesh Ranjan Yadav @ Pappu Yadav Vs. CBI through its Director (2007) 1SCC 70, it was held by Hon'ble Supreme Court that :

“We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to individual liberty, but at the same time a balance has to be struck between the right to individual liberty and the interest of society. No right can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether

to grant bail to an accused or not is whether he has been in jail for a long time, the Court has also to take into consideration other facts and circumstances, such as the interest of the society”

The same ratio was reiterated by the Apex court in a case titled Chandrakeshwar Prasad@ Chandu Babu v. State of Bihar & Anr., SLP (Crl.) no. 7320/2016

Considering the facts and past antecedents of the accused, and the observations of the Apex Court above, I do not find it to be a fit case to admit the accused on bail. Application is hereby dismissed.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

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MM-04/Central:

Delhi/27.07.2021

E.FIR No. 15162/2020
PS Sarai Rohilla
U/S 379/411 IPC
State Vs. Rohit S/o Sh.Rajiv

(Through Video Conferencing)

27.07.2021

Application under section 437 Cr.P.C for grant of bail on behalf of accused Rohit
S/o Sh.Rajiv

Present: Ld. APP for the State
Sh. Sharang Pawar, Ld. Counsel for accused.

Counsel for accused has submitted that accused is in JC since July 2020 and has been falsely implicated in the present case.

I have heard ld counsel for accused and perused the reply.

Accused has similar previous involvements for more than **3 dozen cases**. Offence is serious in nature. Charge-sheet has been filed. Considered. However, in case titled as Rajesh Ranjan Yadav @ Pappu Yadav Vs. CBI through its Director (2007) 1 SCC 70, it was held by Hon'ble Supreme Court that :

“We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to individual liberty, but at the same time a balance has to be struck between the right to individual liberty and the interest of society. No right can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether to grant bail to an accused or not is whether he has been in jail for a long time, the Court has also to take into consideration other facts and circumstances, such as the interest of the society”

The same ratio was reiterated by the Apex court in a case titled Chandrakeshwar Prasad@ Chandu Babu v. State of Bihar & Anr., SLP (Crl.) no. 7320/2016.

Considering the facts and past antecedents of the accused, and the observations of the Apex Court above, I do not find it to be a fit case to admit the accused on bail. Application is hereby dismissed.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

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MM-04/Central:
Delhi/27.07.2021

E.FIR No. 016152/2021

PS : Sarai Rohilla

U/s 379 IPC

27.07.2021

(Through Video Conferencing)

An application has been moved on behalf of applicant for release of vehicle bearing no. DL8SAX-2593 on superdari.

Present: Ld. APP for the State.

Sh. A, Anand, Ld. Counsel for applicant.

Submissions heard.

It is submitted by Ld. Counsel for applicant that applicant Sanjay Kapoor is the registered owner of the above said vehicle. Scanned copy of aadhaar card and RC filed by the counsel for applicant.

As per reply of IO, he has no objection to the release of vehicle on superdari to the applicant who is the rightful owner of the vehicle.

No useful purpose shall be served by retaining vehicle No. DL8SAX-2593 in police station. Accordingly, in view of observations of Hon'ble High Court of Delhi in 'Manjeet Singh Vs State' (CRL M.C 4485/2013 and CRL.M.A 16055/2013) date of decision 10.09.2014, the aforesaid vehicle be released to **registered owner**. The IO/SHO is further directed to take photographs of vehicle from all angles and get the said photographs signed by the applicant/**registered owner**. The photographs along with CD shall be filed with the final report.

The application is disposed of accordingly. Copy of order be provided to applicant/counsel.

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MM-04/Central/THC
27.07.2021

FIR No. 437/2021
PS : Sarai Rohilla
U/s 33 Delhi Excise Act
State Vs. Suresh S/o Sh. Sabhajeet

27.07.2021

(Through Video Conferencing)

Present: Ld. APP for the State

Surety Sonu alongwith Sh. Sandeep Kumar, Ld. Counsel for accused.

Bail bonds in the sum of Rs. 20,000/- on behalf of accused Suresh S/o Sh. Sabhajeet have been furnished. Ld. Counsel for accused as submitted that accused is the uncle of surety Sonu. Verification report perused. Ld. Counsel has submitted that he shall submit the original bail bonds/surety bonds and original RC in court during the course of the day. **RC be retained. Robkar be issued.**

Considering the above submissions, Bail bonds stands accepted.

This order itself be treated as release warrants for the accused. Let this order be communicated to the Jail Superintendent concerned by all modes, including electronically.

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