

E FIR No.004961/2020
PS: Sarai Rohilla
State Vs. Sagar Roy
U/s 379/411/34 IPC

13.08.2020

Through Video Conferencing

Bail application u/s 437 Cr. P.C on behalf of accused Sagar Roy S/o Sh Sudhangshu Roy .

Present: Ld. APP for the state.

Counsel for the accused.

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

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

Recovery has already been effected . No useful purpose shall be served by keeping the accused in JC. It may take some time for the trial to commence as the functioning of regular court remains suspended. Accordingly, accused Sagar Roy is released on bail on furnishing personal bond in the sum of Rs.5000/- subject to the satisfaction of concerned Jail Superintendent . Accused Sagar Roy be released from JC if not required in any other case.

Copy of the order be sent to jail through email daksection.tihar@gov.in and also be uploaded on District Court Websites by the court coordinator and also be sent to the counsel for the accused on his email.


(Chander Mohan)
MM-04 (Central)
Delhi 13.08.2020

FIR No.231/2020
PS: Sarai Rohilla
State Vs. Raman Sharma & Ors.
U/s 323/376/120-B/109 IPC

13.08.2020

Through Video Conferencing

Present : Sh Hemender Kumar Kashyap Ld. Counsel for the
accused/applicants.
IO in person (through video conferencing)

Order on application U/s 156(3) Cr.P.C for monitoring the
investigation and issuing necessary directions to the IO.

The present application is also accompanied by a
separate application for physical hearing and appearance but same
has not been pressed by counsel for the applicants therefore it is
rendered infructuous.

As per counsel for the applicants, the applicants are in
custody in FIR No.231/2020 since 21.07.2020. it is main grievance of the
applicants that IO is not giving due weightage to the electronic
records, video clips, whatsapp messages etc which favour the
applicants and demolish the stand of the accused. It is also
mentioned in the application that even from the bare perusal of FIR
the story of the prosecution does not appear to be probable and
trustworthy. The application further goes not to mention that relevant
call records, whatsapp conversation etc of the parties which ought to
have been collected/seized by the IO and which would have
established the false implication of applicants have not been taken
by the IO. In nutshell as per the applicants, IO is not conducting a fair
investigation and deliberately overlooking and omitting to collect the
material/records favouring the accused. He has also relied upon the
case law in his favour.

Chander Mohan.

I have heard Id. Counsel for the applicants at length.

The matter is at the stage of investigation and final report is yet to filed. This court is of the opinion that this court is not empowered U/s 156(3) Cr.P.C to give the directions sought by the accused/applicants in the present application. Collection of material /records is the sole prerogative of the IO and accused cannot insist (at this stage) to collect or take note of particular documents/call records/ electronic evidence which may exculpate him. Court cannot give any such direction as it may influence the opinion of IO. IO has to form his independent opinion after considering all the facts and circumstances of the case. Even a small nudge from the court eg. a direction to collect a specific documents particularly at the instance of accused has the potential to tilt the balance and possibility of giving undue weightage by the IO. It is well settled that investigation agency should be the one deciding the course of the probe except when there is abuse of power or non compliance of provisions of law. This court has failed to find any such circumstance warranting intervention.

Accordingly, applicants stands 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.



(Chander Mohan)
MM-04 (Central)
Delhi 13.08.2020