

**FIR No. 68/2020**  
**P.S. Subzi Mandi**  
**State Vs. Mahender @ Mahender Singh**  
**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.  
IO has been joined through Whatsapp Call.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Mahender @ Mahender Singh**.

1. Ld. Legal Aid Counsel for the accused has contended that accused was arrested on 23.03.2020 and has already spent more than 15 days in judicial custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
  - a Under trial prisoner is the first time offender;
  - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
  - c Case is triable by Magistrate and

- d Under trial prisoner is in custody for last 3 months or more;
  - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. Vide Minutes of Meeting dated **28.03.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of **7 years or less** ; or
  - b Even If, the UTP has more than one case and in all other cases, he is “on bail”, except the one for which he is being considered and the same prescribes punishment for **7 years or less** ; and if
  - c UTP is in custody for a period of **one month or more** ;
  - d In case of **Women UTP**, if she is in custody for a period of **15 days or more**;
  - e Those inmates who are undergoing Civil Imprisonment can also be considered for ‘interim bail’ of 45 days.
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
- a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
  - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
  - c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
  - d Those UTPs who are foreign nationals ; and
  - e Those under trial prisoners who are facing trial under Prevention of

Corruption Act (PCAct) / PMLA ; and

f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.

8. Submissions heard.
9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 23.03.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
10. Since the accused fulfils the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
11. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 173/2020**  
**P.S. Sarai Rohilla**  
**State Vs. Akash**  
**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.  
IO/HC Rohit Sharma has been joined through Whatsapp Call.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Akash**.

1. Ld Counsel for the accused has contended that accused was arrested on 18.05.2020 and has already spent more than 15 days in judicial custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
  - a Under trial prisoner is the first time offender;
  - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
  - c Case is triable by Magistrate and

- d Under trial prisoner is in custody for last 3 months or more;
  - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
  - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
  - c Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less ;
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
- a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
  - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
  - c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
  - d Those UTPs who are foreign nationals ; and

- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA ; and
  - f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case;**
  - b Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case;**
  - c Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case;**
  - d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
  - e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
  - f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 18.05.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered

Committee vide its minutes of meeting mentioned above.

10. Since the accused fulfils the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
11. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.
12. Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 173/2020**  
**P.S. Sarai Rohilla**  
**State Vs. Pankaj**  
**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.  
IO/HC Rohit Sharma has been joined through Whatsapp Call.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Pankaj**.

1. Ld Counsel for the accused has contended that accused was arrested on 18.05.2020 and has already spent more than 15 days in judicial custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
  - a Under trial prisoner is the first time offender;
  - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
  - c Case is triable by Magistrate and

- d Under trial prisoner is in custody for last 3 months or more;
  - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
  - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
  - c Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less ;
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
- a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
  - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
  - c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
  - d Those UTPs who are foreign nationals ; and

- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA ; and
  - f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case;**
  - b Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case;**
  - c Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case;**
  - d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
  - e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
  - f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**
9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 18.05.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered

Committee vide its minutes of meeting mentioned above.

10. Since the accused fulfils the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
11. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.
12. Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 196/2020**

**P.S. Burari**

**State Vs. Punit @ Tinku**

**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.  
IO/ASI Arvind Kumar has been joined through Whatsapp Call.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Punit @ Tinku**.

1. Ld LAC for the accused has contended that accused has been arrested on 29.04.2020 and he has already spent more than 15 days in Judicial Custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
  - a Under trial prisoner is the first time offender;
  - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
  - c Case is triable by Magistrate and
  - d Under trial prisoner is in custody for last 3 months or more;

e Under Trial Prisoner undergoing Civil imprisonment

5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.

6. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria

f Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years** with **no involvement in any other case;**

g Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year** with **no involvement in any other case;**

h Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for **more than six months** with **no involvement in any other case;**

i Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**

j **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**

k **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case;**

7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:

a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;

b Those under trial prisoners who are facing trial under Section 4 & 6

of POCSO Act;

- c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- d Those UTPs who are foreign nationals ;
- e And those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA ; and
- f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc

8. It has been submitted by Ld Counsel for the accused that the accused was arrested on 29.04.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.

9. Since the accused fulfils the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.

10. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**



**FIR No. 215/2020**  
**P.S. Burari**  
**State Vs. Manish Kumar**  
**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.  
IO has been joined through Whatsapp Call.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Manish Kumar**.

1. Ld. Legal Aid Counsel for the accused has contended that accused was arrested on 17.05.2020 and has already spent more than 15 days in judicial custody.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself, in case titled ***Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020*** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-
  - a Under trial prisoner is the first time offender;
  - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
  - c Case is triable by Magistrate and

- d Under trial prisoner is in custody for last 3 months or more;
  - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. Vide Minutes of Meeting dated **28.03.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
- a Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of **7 years or less** ; or
  - b Even If, the UTP has more than one case and in all other cases, he is "on bail", except the one for which he is being considered and the same prescribes punishment for **7 years or less** ; and if
  - c UTP is in custody for a period of **one month or more** ;
  - d In case of **Women UTP**, if she is in custody for a period of **15 days or more**;
  - e Those inmates who are undergoing Civil Imprisonment can also be considered for 'interim bail' of 45 days.
7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
- a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;
  - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
  - c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
  - d Those UTPs who are foreign nationals ; and
  - e Those under trial prisoners who are facing trial under Prevention of

Corruption Act (PCAct) / PMLA ; and

f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.

8. Submissions heard.
9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 17.05.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
10. Since the accused fulfils the criteria laid down above, he is hereby released on bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
11. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 15167/2019**  
**P.S. Subzi Mandi**  
**State Vs. Raja @ Bhadak**  
**08.06.2020**

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Satish Kumar, Ld. LAC through Video Conferencing using Cisco Webex.

The matter has been put up before this Court, however, the purpose whereof has not been detailed out. A perusal of order-sheet dated 03.06.2020 reveals that accused has already been admitted to bail subject to furnishing bail bond and surety bond in the sum of Rs. 10,000/-. A perusal of bail bond reveals that the same was sent for verification to SHO on 03.06.2020. However, till date, no verification has come on record. This situation is unacceptable. Precious liberty of an individual cannot be jeopardized for want of action on behalf of police officials. Accordingly, the bail bonds are hereby accepted.

Accordingly, the accused be set at liberty forthwith.

This order be treated as release warrant.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 240/2014**  
**P.S. Sadar Bazar**  
**State Vs. Manohar Lal**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Manohar Lal** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Anil Kumar, Ld. Counsel for the accused.  
IO/SI Nishant has been joined through Whatsapp Call.

Ld. Counsel for the accused has submitted that accused was already on bail but could not appear before the Court on 07.12.2019 and 27.02.2020, therefore, the Court had issued NBWs against him for his non-appearance. He has further submitted that the accused was arrested by the police of PS Nabi Karim in connection with some other case and was sent to judicial custody in that case. It is submitted that accused belongs to respectable family and is not a previous convict. It is further prayed that accused may be released on bail.

Ld. APP and the IO have strongly opposed the bail application stating that accused has previous involvement in as many as 13 cases.

Considering the facts and circumstances as well as previous involvement of accused in as many as 13 cases, no ground is made out to grant bail at this stage. The bail application of accused **Manohar Lal** is therefore dismissed.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 51/2012**  
**P.S. Nabi Karim**  
**State Vs. Manohar Lal**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Manohar Lal** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Anil Kumar, Ld. Counsel for the accused.  
IO/SI Manmeet Singh has been joined through Whatsapp Call.

Ld. Counsel for the accused has submitted that accused was already on bail but could not appear before the Court on 13.12.2019 and 03.02.2020, therefore, the Court had issued NBWs against him for his non-appearance. He has further submitted that the accused was arrested by the police of PS Nabi Karim in connection with some other case and was sent to judicial custody in that case. It is submitted that accused belongs to respectable family and is not a previous convict. It is further prayed that accused may be released on bail.

Ld. APP and the IO have strongly opposed the bail application stating that accused has previous involvement in as many as 13 cases.

Considering the facts and circumstances as well as previous involvement of accused in as many as 13 cases, no ground is made out to grant bail at this stage. The bail application of accused **Manohar Lal** is therefore dismissed.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 28/2020**  
**P.S. Darya Ganj**  
**State Vs. Wasim**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Wasim** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Mohd. Ilyas, Ld. Counsel for the accused.  
IO/SI Pradeep Kumar has been joined through Whatsapp Call.

Ld. Counsel for the accused has submitted that accused has been falsely implicated by the local police of PS Darya Ganj. He further submitted that accused is in JC since 02.02.2020. It is further submitted that nothing has been recovered from the possession of the accused and recovery has been planted upon the accused. It is further submitted that recovery has already been effected and accused is no more required for any custodial interrogation. It is prayed that accused may be released on bail.

Ld. APP and the IO have strongly opposed the bail application as per law. They have contented that accused has no permanent address in Delhi and he is involved in eight cases of robbery/theft.

Considering the facts and circumstances as well as previous involvement of accused and also considering the gravity of offence, no ground is made out to grant bail at this stage. The bail application of accused **Wasim** is therefore dismissed.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 19/2020**  
**P.S. Burari**  
**State Vs. Avneesh Kumr Jha @ Doctor**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Avneesh Kumr Jha @ Doctor** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Yogesh Kumar, Ld. Counsel for the accused through Video Conferencing using Cisco Webex.  
IO/HC Bal Kishan has been joined through Whatsapp Call.

Ld. Counsel for the accused has submitted that accused has been falsely implicated by the police in this case. He further submitted that accused was arrested on 10.01.2020 and he is in JC since then. It is further submitted that nothing has been recovered from the possession of the accused and recovery has been planted upon the accused. It is further submitted that recovery has already been effected and accused is no more required for any custodial interrogation. It is prayed that accused may be released on bail.

Ld. APP and the IO have strongly opposed the bail application as per law. They have contented that accused is involved in commission of offence of two robbery cases and has no permanent address.

Submissions heard.

During the course of inquiry, Ld. Counsel for accused has submitted that accused has already been enlarged on bail in previous two cases and regarding the issue of permanent residence of accused which has arisen, Ld. Counsel for accused has submitted that stringent condition may be imposed by granting bail.

Keeping in view the fact that the accused has already spent more than 05 months in custody, this Court deems it fit to grant bail to the accused.

***Contd.....***

-2-

Therefore, the accused is admitted to bail subject to his furnishing bail bond in the sum of Rs. 40,000/- with one surety of like amount.

The application stands disposed of.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 145/2019**  
**P.S. Crime Branch**  
**State Vs. Tarsem Singh**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Tarsem Singh** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.  
Sh. Yashaswi S.K. Chocksey, Ld. Counsel for the accused through Video Conferencing using Cisco Webex.  
IO/SI Sushil Kumar has been joined through Whatsapp Call.

At request, the application be put up on **14.06.2020** before the Ld. Duty MM for disposal as per law.

The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 29/2020**  
**P.S. Nabi Karim**  
**State Vs. Deepak**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Deepak** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.

A perusal of reply dated 06.06.2020 of IO/ASI Benat Kumar, PS Nabi Karim reveals that there is no accused by the name of Deepak, S/o Gyan Chand in FIR no. 29/2020, under Section 457/380/411/120-B/34 IPC, PS Nabi Karim.

Under these circumstances, the application is therefore dismissed being not maintainable.

The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**FIR No. 29/2020**  
**P.S. Nabi Karim**  
**State Vs. Deepak**  
**08.06.2020**

This is an application under Section 437 Cr.P.C moved on behalf of **accused Deepak** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State through Video Conferencing using Cisco Webex.

A perusal of reply dated 06.06.2020 of IO/ASI Benat Kumar, PS Nabi Karim reveals that there is no accused by the name of Deepak, S/o Gyan Chand in FIR no. 29/2020, under Section 457/380/411/120-B/34 IPC, PS Nabi Karim.

Under these circumstances, the application is therefore dismissed being not maintainable.

The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**Duty MM/CMM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT, TIS  
HAZARI COURTS, DELHI.**

**FIR No. 63/2020**

**PS: Karol Bagh**

**State Vs. Kulbhushan @ Sonu**

**U/s 420/467/468/471/34/511/120-B IPC**

**Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Kulbhushan @ Sonu for grant of regular bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State and Sh.

Satish Kumar, Ld. LAC via Video Conferencing through  
Cisco Webex.

Sh. V C Gautam, Ld. Counsel for the  
applicant/accused is present in person.

IO SI Gautam was joined through WhatsApp  
Video Call.

Reply to the bail application has been filed on behalf of the IO. Same is taken on record.

Ld. Counsel for the accused has moved an application for grant of regular bail to applicant/accused Kulbhushan @ Sonu. Ld. Counsel has submitted at bar that the Hon'ble High Court of Delhi has already enlarged accused Kulbhushan @ Sonu on interim bail till 23.07.2020. Ld. Counsel for the accused has further submitted that since the world is suffering from this pandemic, it is not certain as to when the trial would commence, and as such no purpose would be served in detaining the accused any

*Contd.....*

-2-

further. Further, Ld. Counsel for accused submits that no public witnesses have been arrayed by the police, and that the evidence is solely documentary.

*Per contra*, Ld. APP for the State has submitted that it would be against propriety to grant regular bail to the accused in as much as the Hon'ble High Court must have considered this fact while enlarging the accused on interim bail. Further, Ld. APP for the State has objected to the bail citing seriousness and gravity of the offence. Ld. APP further submits that there is nothing on record whether the recovery has been affected or not.

Submissions heard.

A perusal of the record reveals that serious allegations have been levelled against the accused persons. A huge amount of Rs. 12 Crores had sought to be defrauded by the accused in conspiracy with each other. As per reply of the IO in as much as six accused persons have been arrested and three accused persons Amit Markan, Kamal Kesar and Abdul Kadir have been granted bail. Even though three accused persons have been granted bail, their role is not clear, whereas the role of the accused Kulbhushan, accused herein, has been clearly elucidated in the reply of the IO.

Moreover, this Court is inclined to agree with the submissions of Ld. APP for the State that if the same facts were before the Hon'ble High Court, the regular bail aspect might have been considered by the Honble High Court

*Contd.....*

**-3-**

itself.

Considering the facts and circumstances of the case, nature of allegations, gravity of offence and above circumstances, I am not inclined to grant bail to the applicant/accused, at this stage. The bail application is, accordingly, dismissed.

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

Copy of this order be sent to concerned Jail Superintendent

for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT, TIS  
HAZARI COURTS, DELHI.**

**FIR No. 90/2020  
PS: Wazirabad  
State Vs. Tanish Dhiman  
U/s 356/379/34 IPC  
Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Tanish Dhiman for grant of bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State via  
Video Conferencing through Cisco Webex.  
Sh. Amit Nayyar and Sh. Sunil Kumar, Ld.  
Counsels for the applicant/accused are present in  
person.

IO ASI Neeraj Saini was joined through  
WhatsApp Video Call.

Reply to the bail application has been filed on behalf of the IO. Same is taken on record.

A perusal of the record reveals that the TIP of the accused has been fixed for 14.06.2020. Accordingly, at request of all the sides, matter is hereby adjourned for further consideration on 15.06.2020.

**(Arul Varma)  
CMM/Duty MM (Central), Delhi  
08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**e-FIR No. 038828/2018**

**PS: Timar Pur**

**State Vs. Naeem @ Babla**

**U/s 379/411/482/34 IPC**

**Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Naeem @ Babla for grant of bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State and Sh. Satish Kumar, Ld. LAC via Video Conferencing through Cisco Webex.  
IO HC Pradeep was joined through WhatsApp Video Call.

Reply to the bail application has been filed on behalf of the IO. Same is taken on record.

Ld. Legal Aid Counsel for the accused has contended that the accused has been arrayed for the commission of trivial offences such as u/s 379/411/482/34 IPC, and as has spent more than ten months in judicial custody.

*Per contra*, Ld. APP for the State has opposed the application contending that the accused may belong to a gang which commits thefts and makes false number plates.

Submissions heard.

A perusal of the record reveals that accused was

*Contd.....*

-2-

arrested on 03.08.2020 and is running in JC since then. The offence for which he has been charged are not serious in nature. Further, recoveries have been effected and co-accused has also been arrested.

Under these circumstances, no purpose would be served in keeping the accused in custody any further. Accordingly, accused is enlarged on regular bail subject to furnishing a personal bond for a sum of Rs. 5,000/- to the satisfaction of Jail Superintendent.

This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**FIR No. 157/2017**

**PS: Darya Ganj**

**State Vs. Subhash Chandra Tripathi**

**U/s 409 IPC**

**Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Subhash Chandra Tripathi for grant of interim bail for 45 days.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State and Sh. Satish Kumar, Ld. LAC via Video Conferencing through Cisco Webex.  
Sh. Vishal Chadha, Ld. Counsel on behalf of the complainant is present in person.  
Sh. Uma Shankar Gautam, Ld. Counsel for the accused is present in person.

Ld Counsel for the accused has amended his plea and is seeking regular bail. Ld. Counsel has submitted that accused is in custody since 20.02.2018 and trial has already commenced.

*Per Contra*, Ld APP for the State and Ld. Counsel for the complainant have strongly opposed the application as per law. They have submitted that the accused has even tried to influence the witness PW3 Rajesh Kumar. Ld. Counsel for the complainant invited the Court's attention to the relevant extracts and cross examination wherein, according to Ld. Counsel, a person had asked PW3 Rajesh Kumar to depose in favour of the accused as the accused was from Jharkhand.

*Contd.....*

Submissions heard.

During the course of arguments, Ld. Counsel for the accused had invited the Court's attention to complete statement of PW3, wherein it has come on record that the caller to witness PW3 could not be identified, nor was the witness able to locate the mobile phone from which they received the call. Ld. Counsel for the complainant, during the course of arguments had argued that successive applications of the accused have been dismissed at various forums. However, this contention does not seem to be completely correct as some of the applications, as per Ld. Counsel for accused, were dismissed as withdrawn.

Be that as it may, a perusal of the record reveals that accused has been in custody since more than two years and four months, chargesheet has already been placed on record, notice has been framed and six main witness have been examined.

Considering the above facts and circumstances, the present bail application is allowed. Accused is admitted to bail on his furnishing personal bond in the sum of Rs. 1,00,000/-with one surety in the like amount.

Accordingly, application is disposed off.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**

**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**FIR No. 15/2020**

**PS: Kotwali**

**State Vs. Kalyan Sagar**

**U/s 392/411/120-B/34 IPC**

**Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf of the applicant/accused Kalyan Sagar for grant of regular bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video Conferencing through Cisco Webex.  
Sh. Ashish Kumar Ojha, Ld. Counsel for the applicant/accused is present in person.

Vide this Order, I shall dispose off the Bail application filed on behalf of the accused.

Ld. Counsel for the accused has contended that accused has been in judicial custody since 09.01.2020, after his arrest on 06.01.2020.

*Per Contra*, Ld APP for the State has opposed the bail application as per law. IO has also submitted that the address of the accused has not been verified and the co-accused who allegedly gave information about the information, has yet not apprehended.

It has been submitted by Ld Counsel for the accused that the accused was arrested on 06.01.2020, and has been granted interim bail from 25.04.2020 to till date.

A perusal of the record reveals that recoveries

*Contd.....*

-2-

have already been effected. As per the submissions of Ld. Counsel and the IO, main accused Ajay has already been enlarged on bail on 19.03.2020.

Considering the above facts and circumstances of the case, on the ground of parity, the present bail application is allowed. Accused Kalyan Sagar is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/-with one surety in the like amount.

Accordingly, application is disposed off.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**FIR No. 277/2014  
PS: Kashmere Gate Metro  
State Vs. Jakir  
U/s 379/411/34 IPC  
Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf  
of the applicant/accused Jakir for grant of bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State via  
Video Conferencing through Cisco Webex.  
Sh. Abid Ujer, Ld. Counsel for the  
applicant/accused is present in person.  
IO ASI Tilak Raj is present in person.

Reply to the bail application has been filed on  
behalf of the IO. Same is taken on record.

Ld. Counsel has submitted that in the present  
matter, the accused has allegedly committed three offences  
in Delhi and one in Mumbai. For the offence committed in  
Mumbai in CR No. 345/2019, CC No. 2800205/2020, PS L T  
Marg, Mumbai, he was sent to Arthur Road Jail. Ld.  
Counsel for accused has further submitted that vide email  
dated 27.05.2020 received from Jail Superintendent,  
Mumbai Central Prison (copy placed on record by the IO),  
Accused was about to be released on bail as per the release  
memo of respective Mumbai Jurisdiction Court. Ld. Counsel  
has thus submitted that it is only on account of lack of

*Contd.....*

information, and issuance of NBWs in the present case, that the Superintendent Arthur Road Jail is not releasing the accused.

Per contra, Ld. APP for the State and IO have opposed the bail application as per law.

Submissions heard.

A perusal of the record reveals that the accused has already been released on bail in the case at Mumbai. Further vide order dated 01.06.2020 passed by the Ld. Duty MM, it has come on record due to Pandemic, Jail Authority, Mumbai are unable to shift the accused to Delhi. Further the concerned Jail Superintendent demonstrated to detain the accused without the order from the Court whereafter order were given by the Ld. Duty MM to detain the accused until the prevailing pandemic situation gets normal and Jail Authority, Mumbai can safely transport the accused back to Delhi.

According to this Court, the situation to safely transport the accused from Mumbai to Delhi would not arise if the NBWs against him are cancelled. Ld. Counsel, during the course of arguments has submitted that the Ld. Counsel appearing for the accused at the time of hearing could not properly submit before the Court that the accused was not evading the process of law, but was actually lodged in Aurthur Road Jail. Thus Ld. Counsel submits that NBWs were inadvertently issued by the Ld. Court. IO ASI Tilak Raj has also confirmed this fact. Under

*Contd.....*

these circumstances, NBWs are hereby cancelled.

Further, both Ld. Counsel for accused and IO have submitted before the Court that the case has been pending for trial since 2014 and accused has been appearing regularly, and that accused has already been enlarged on bail in 2014.

Thus, the correct factual position is that the accused is not required to be in custody in the present case, and he be released if not wanted in any other case. Accordingly, Robkar be issued, and accordingly copy of this order be sent via email to Jail Superintendent Arthur Road Jail to release the accused, if not wanted in any other case. Copy of this order be also sent to Jail Superintendent, Arthur Road Jail, Mumbai through Jail Superintendent, Tihar.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAIN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**FIR No. 203/2014  
PS: Kashmere Gate Metro  
State Vs. Jakir  
U/s 379/411/34 IPC  
Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf  
of the applicant/accused Jakir for grant of bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State via  
Video Conferencing through Cisco Webex.  
Sh. Abid Ujer, Ld. Counsel for the  
applicant/accused is present in person.  
IO ASI Tilak Raj is present in person.

Reply to the bail application has been filed on  
behalf of the IO. Same is taken on record.

Ld. Counsel has submitted that in the present  
matter, the accused has allegedly committed three offences  
in Delhi and one in Mumbai. For the offence committed in  
Mumbai in CR No. 345/2019, CC No. 2800205/2020, PS L T  
Marg, Mumbai, he was sent to Arthur Road Jail. Ld.  
Counsel for accused has further submitted that vide email  
dated 27.05.2020 received from Jail Superintendent,  
Mumbai Central Prison (copy placed on record by the IO),  
Accused was about to be released on bail as per the release  
memo of respective Mumbai Jurisdiction Court. Ld. Counsel  
has thus submitted that it is only on account of lack of

*Contd.....*

information, and issuance of NBWs in the present case, that the Superintendent Arthur Road Jail is not releasing the accused.

Per contra, Ld. APP for the State and IO have opposed the bail application as per law.

Submissions heard.

A perusal of the record reveals that the accused has already been released on bail in the case at Mumbai. Further vide order dated 01.06.2020 passed by the Ld. Duty MM, it has come on record due to Pandemic, Jail Authority, Mumbai are unable to shift the accused to Delhi. Further the concerned Jail Superintendent demonstrated to detain the accused without the order from the Court whereafter order were given by the Ld. Duty MM to detain the accused until the prevailing pandemic situation gets normal and Jail Authority, Mumbai can safely transport the accused back to Delhi.

According to this Court, the situation to safely transport the accused from Mumbai to Delhi would not arise if the NBWs against him are cancelled. Ld. Counsel, during the course of arguments has submitted that the Ld. Counsel appearing for the accused at the time of hearing could not properly submit before the Court that the accused was not evading the process of law, but was actually lodged in Aurthur Road Jail. Thus Ld. Counsel submits that NBWs were inadvertently issued by the Ld. Court. IO ASI Tilak Raj has also confirmed this fact. Under

*Contd.....*

these circumstances, NBWs are hereby cancelled.

Further, both Ld. Counsel for accused and IO have submitted before the Court that the case has been pending for trial since 2014 and accused has been appearing regularly, and that accused has already been enlarged on bail in 2014.

Thus, the correct factual position is that the accused is not required to be in custody in the present case, and he be released if not wanted in any other case. Accordingly, Robkar be issued, and accordingly copy of this order be sent via email to Jail Superintendent Arthur Road Jail to release the accused, if not wanted in any other case. Copy of this order be also sent to Jail Superintendent, Arthur Road Jail, Mumbai through Jail Superintendent, Tihar.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF  
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT,  
TIS HAZARI COURTS, DELHI.**

**FIR No. 306/2014  
PS: Kashmere Gate Metro  
State Vs. Jakir  
U/s 379/411/34 IPC  
Bail application**

**08.06.2020**

**This is an application u/s 437 Cr.PC moved on behalf  
of the applicant/accused Jakir for grant of bail.**

Present: Sh. Rajeev Kamboj, Ld. APP for the State via  
Video Conferencing through Cisco Webex.  
Sh. Abid Ujer, Ld. Counsel for the  
applicant/accused is present in person.  
IO ASI Tilak Raj is present in person.

Reply to the bail application has been filed on  
behalf of the IO. Same is taken on record.

Ld. Counsel has submitted that in the present  
matter, the accused has allegedly committed three offences  
in Delhi and one in Mumbai. For the offence committed in  
Mumbai in CR No. 345/2019, CC No. 2800205/2020, PS L T  
Marg, Mumbai, he was sent to Arthur Road Jail. Ld.  
Counsel for accused has further submitted that vide email  
dated 27.05.2020 received from Jail Superintendent,  
Mumbai Central Prison (copy placed on record by the IO),  
Accused was about to be released on bail as per the release  
memo of respective Mumbai Jurisdiction Court. Ld. Counsel  
has thus submitted that it is only on account of lack of

*Contd.....*

information, and issuance of NBWs in the present case, that the Superintendent Arthur Road Jail is not releasing the accused.

Per contra, Ld. APP for the State and IO have opposed the bail application as per law.

Submissions heard.

A perusal of the record reveals that the accused has already been released on bail in the case at Mumbai. Further vide order dated 01.06.2020 passed by the Ld. Duty MM, it has come on record due to Pandemic, Jail Authority, Mumbai are unable to shift the accused to Delhi. Further the concerned Jail Superintendent demonstrated to detain the accused without the order from the Court whereafter order were given by the Ld. Duty MM to detain the accused until the prevailing pandemic situation gets normal and Jail Authority, Mumbai can safely transport the accused back to Delhi.

According to this Court, the situation to safely transport the accused from Mumbai to Delhi would not arise if the NBWs against him are cancelled. Ld. Counsel, during the course of arguments has submitted that the Ld. Counsel appearing for the accused at the time of hearing could not properly submit before the Court that the accused was not evading the process of law, but was actually lodged in Aurthur Road Jail. Thus Ld. Counsel submits that NBWs were inadvertently issued by the Ld. Court. IO ASI Tilak Raj has also confirmed this fact. Under

*Contd.....*

these circumstances, NBWs are hereby cancelled.

Further, both Ld. Counsel for accused and IO have submitted before the Court that the case has been pending for trial since 2014 and accused has been appearing regularly, and that accused has already been enlarged on bail in 2014.

Thus, the correct factual position is that the accused is not required to be in custody in the present case, and he be released if not wanted in any other case. Accordingly, Robkar be issued, and accordingly copy of this order be sent via email to Jail Superintendent Arthur Road Jail to release the accused, if not wanted in any other case. Copy of this order be also sent to Jail Superintendent, Arthur Road Jail, Mumbai through Jail Superintendent, Tihar.

**(Arul Varma)**  
**CMM/Duty MM (Central), Delhi**  
**08.06.2020**