

State V/s Saurabh etc.
FIR NO. 350/20
P.S. Civil Lines
U/s 392/394/397/120(B)/34 IPC

28.11.2020

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.

Fresh charge-sheet filed. It be checked and registered, as per rules.

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

IO /ASI Gulzar Hussain in person.

Accused Saurabh and Naresh are stated to be in J/C.

I have perused the contents of the charge-sheet. I take cognizance of the offence.

Let copy of charge-sheet alongwith documents be sent to the concerned Jail Superintendent with direction to supply the same to both the accused persons. Concerned Jail Superintendent is directed to file the compliance report on NDOH.

Let production warrants be issued against both the accused persons for **10.12.2020.**

Jail Superintendent is directed to ensure the presence of both accused persons through V.C. on the next date of hearing.

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SHIVLI TALWAR Date: 2020.11.28
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State V/s Darshan @ Devender
P.S. Civil Lines

28.11.2020

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.

Present : Ld. APP for State has joined the meeting through Cisco Webex.
Mr. S.P. Sharma, Ld. Counsel for applicant Dharshan has joined
meeting through Cisco Webex.

Status report has been filed electronically by the IO in compliance of previous order. Copy of the same has also been supplied to Ld. Counsel for applicant electronically.

At request of Ld. Counsel for applicant, be put up for physical hearing
on 02.12.2020.

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(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/28.11.2020

State V/s Ajay
e-FIR No. 000426/20
P.S. Civil Lines
U/S 392/411/34 IPC & 25/54/59 Arms Act

21.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/
2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL-5S-CD-8825 (scooty) on superdari filed by applicant/ registered owner Ms. Farheen w/o Jan Mohammad.

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

Mr. Mohd. Iliyas, Ld. Counsel for applicant has joined the meeting through Cisco Webex.

It is submitted by ld. Counsel for applicant that inadvertently he has filed an application in FIR No. 426/20 instead of e-FIR No. 426/20 and therefore, he requested that the mistake be rectified accordingly.

Heard. In view of submission, the present application be read as e-FIR No. 426/20 instead of FIR No. 426/20.

Reply filed by the IO electronically in which it is submitted by IO that no such vehicle has been seized in the above mentioned case.

Heard. In view of the submissions of IO as no case property has been seized in the present case, the present application stands dismissed.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of 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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(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/28.11.2020

State V/s Ajay
e-FIR No. ND-CL-000426/20
P.S. Civil Lines
U/S 392/411/34 IPC & 25/54/59 Arms Act

28.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/ 2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of mobile make Vivo SI Colour Blue bearing IEMI No. 869950047809757 on superdari filed by applicant Sh. Raj Kumar electronically.

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

Mr. Santosh Shukla, Ld. Counsel for applicant has joined meeting through Cisco Webex.

Reply filed by the IO electronically. Same is taken on record, wherein it is submitted by the IO that he has no objection in releasing the mobile to the rightful owner. It is also stated in the reply that applicant has provided the bill of mobile phone to him. The mobile of make **Vivo SI Colour Blu bearing IEMI No. 869950047809757** is no more required for the purpose of investigation.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujarat, AIR 2003 SC 638**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Vivo SI Colour Blue bearing IEMI No. 869950047809757** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/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/28.11.2020

FIR NO. 012116/19
P.S. Civil Lines
U/S 379 IPC

28.11.2020

Vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/
2020 dated 25.10.2020, the cases are being taken up through Video Conferencing today.

**This is an application for releasing of vehicle bearing No. DL-8S-CA-9327 on
superdari filed by applicant Manish Kumar electronically.**

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

**Mr. Bhanu Mohan, Ld. Counsel for applicant has joined the meeting
through Cisco Webex.**

Reply filed by the IO electronically. Same is take on record. As per which,
the vehicle is no more required for the purpose of investigation.

It is stated in the application that applicant's mother namely, Smt. Sushila Devi is the owner of the said vehicle. However, applicant has not filed an NOC by the owner of the vehicle regarding its release to her son.

Accordingly, applicant is directed to file NOC to this effect on the NDOH.

Be put up for further proceedings on **04.12.2020**.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

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TAIWAR Date:
2020.11.28
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MM-06(C)/THC/Delhi/28.11.2020

State V/s. Ajay
e-FIR No. ND-CL-000426/20
P.S. Civil Lines
U/S 392/411/34 IPC & 25/54/59 Arms Act

28.11.2020

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 Ajay s/o Late Laxman.

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

Mr. Kunal Dhakla, Id. Counsel for applicant/accused has joined meeting through Cisco Webex.

Reply to the present application has been filed by IO electronically. Copy of the same has been sent to Ld. Counsel for applicant/accused electronically.

Perusal of the reply shows that name of wrong accused has been mentioned inadvertently by the IO. IO is directed to file fresh reply to the present bail application.

IO seeks some time to file fresh reply to the present bail application.

Heard. Request stands allowed.

IO is directed to file fresh reply to the present bail application on **01.12.2020.**

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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MM-06(C)/THC/Delhi/28.11.2020

28.11.2020

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 Mohit s/o Sh. Kamaljeet.

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

Mr. Rohit Gupta, 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. It is further submitted that the applicant/accused is a young boy aged 20 years, belonging to a poor family and is the sole bread earner of his family. 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 wife of applicant/accused is suffering from stomach disease and needs to be admitted in the hospital. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of the same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the applicant/accused was apprehended on the spot and the stolen mobile phone was recovered from his possession. It is stated that the applicant/accused has previously been involved in a theft case. It is stated that the investigation of the case is still continuing and the applicant/accused may abscond, threaten/ influence witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the

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applicant/accused was apprehended on the spot by the police and case property was recovered from his possession. It is further submitted that snatching by young boys is a huge menace in the area of Sadar Bazar and enlarging the applicant/accused on bail would give further impetus to it.

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.

The applicant/accused was apprehended on the spot and case property was recovered from his possession. As pointed out by Ld. APP for the State, snatching is a huge menace in the area of Sadar Bazar and it needs to be curbed. Considering that the investigation of the present case is still at a nascent stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

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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Date : 14.11.2020
(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/28.11.2020

State V/s Shoaib
FIR No. 211/20
P.S. Sadar Bazar
U/S 392/411 IPC

28.11.2020

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 Shoaib s/o Sh. Riyasat Ali.

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

Mr. Mahkar Singh, ld. Counsel for applicant/accused has joined meeting through Cisco Webex.

IO/ HC Joginder Singh, has also 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 was on foot and complainant while on his motorcycle hit the applicant/accused accidentally which led to an altercation between them and the complainant being an influential person falsely implicated the applicant/accused in the present FIR. It is further submitted that nothing has been recovered from the applicant/accused or at his instance and the alleged recovery has been planted by the police in connivance with the complainant. It is submitted that the past antecedents of the applicant/accused are clean and he has only one previous involvement, that too in the year 2016. It is further submitted that the applicant/accused is in J/C since 07.10.2020. It is further submitted that even otherwise, the alleged recovery has already been effected and investigation qua applicant/accused is already complete and he is no more required for any custodial interrogation. Charge-sheet has already been filed in the present matter. 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

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applicant/accused was caught red handed by the police immediately after he robbed the mobile phone of the complainant. Furthermore, the robbed mobile phone was recovered from the possession of the applicant/accused. It is stated that the applicant/accused may abscond and commit grave and serious offences like robbery again, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is submitted that the applicant/accused robbed the mobile phone of the complainant in broad day light in the middle of the road and in the presence of public persons. The applicant/accused was caught red handed by the police and the robbed mobile phone was recovered from his possession. Thus, 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.

The applicant/accused robbed the mobile phone of the complainant by grabbing the neck of the complainant. He was apprehended on the spot by the police and case property was recovered from him. The offence was committed in broad day light, in the middle of the road and in the presence of public persons. Thus, considering the gravity of the offence, the seriousness of the allegations and the manner in which the offence is alleged to have been committed by the present applicant/accused, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

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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MM-06(C)/THC/Delhi/28.11.2020

State V/s Mukesh @ Bokha
FIR No. 515/20
P.S. Civil Lines
U/S 33 Delhi Excise Act

28.11.2020

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 Mukesh @ Bokha s/o Late Ant Ram.

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

Mr. S.P. Sharma, 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 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 married man with the responsibility to maintain three children, his wife is admitted in the hospital and he is the sole bread earner of his family. It is submitted that the applicant/accused has been acquitted in 11 out of 17 cases mentioned in the previous involvement report filed by the IO and he has not been previously involved in any other case under the Delhi Excise Act. It is submitted that the applicant/accused was called to the police station from his house and falsely implicated in the present case. It is further submitted that even otherwise, the alleged recovery has already been effected and further custodial interrogation of the applicant/accused is no more required. Therefore, it has been prayed that the applicant/accused be released on bail.

IO has filed two replies to the present bail application, one dated 24.11.2020 and another reply dated 27.11.2020. The contents of both the replies are the same. Both the replies have been filed electronically. Copies of the same have been sent

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to Ld. Counsel for the applicant/accused electronically.

Perusal of replies reveals that 200 quarter bottles of illicit liquor were recovered from the possession of applicant/accused. It is stated that the applicant/accused brought illicit liquor from Haryana to supply the same in Delhi. It is stated that the applicant/accused is a BC of PS Civil Lines and is involved in 17 other criminal cases.

Ld. APP for the State has opposed the bail application on the ground that 200 quarter bottles of illicit liquor have been recovered from the possession of the applicant/accused. It is submitted that the applicant/accused is a habitual offender and has been involved in 17 cases from the year 1994 to 2020, which includes one case under the Delhi Excise Act also. Therefore, it has been prayed that applicant/accused should not be released on bail.

Arguments heard on the bail application from both the sides. I have perused the contents of the application and perused the reply filed by IO.

In the present case, the allegation against the applicant/accused is under the Delhi Excise Act for being found in illegal possession of illicit liquor. Considering the antecedents of the applicant/accused and the fact that the investigation of the case is still at a nascent stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

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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SHIVLI
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Date:
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15.10.20
(SHIVLI TALWAR)
MM-06(C)/PHC/Delhi/28.11.2020