

00/10/2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

ICJ St. Krishan Pal in person.

Accused stated to be in JC.

Upon specific query made from IO, he submits that till date, the accused has not moved any bail application in present case FIR.

Heard. Record perused.

On the basis of material available on record, since there exists a prima facie case against the accused for offences u/s 356/379/34 IPC, hence cognizance is taken.

IO is directed to supply the copy of charge-sheet to accused through concerned Jail Superintendent before next date i.e. 22.10.2020.

The accused be produced through VC over Cisco Webex on date

next.

Concerned Jail Superintendent to do needful.

Copy of this order be given dasti to IO for compliance.

One copy be sent to concerned Jail Superintendent through email.

for compliance.

(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

Cr. Case 4099/2020
STATE Vs. ARJUN
FIR No. 31 /2020 (Rajinder Nagar)

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

IO/SI Krishan Pal in person.

Accused stated to be in JC.

Upon specific query made from IO, he submits that till date, the accused has not moved any bail application in present case FIR.

Heard. Record perused.

On the basis of material available on record, since there exists a prima facie case against the accused for offences u/s 356/379/34 IPC, hence cognizance is taken.

IO is directed to supply the copy of charge-sheet to accused through concerned Jail Superintendent before next date i.e. 22.10.2020.

The accused be produced through VC over Cisco Webex on date fixed.

Concerned Jail Superintendent to do needful.

Copy of this order be given dasti to IO for compliance.

One copy be sent to concerned Jail Superintendent through email,

for compliance.

(RISHABH KAPOOR)
MM-03(Central),THC,Delhi

01.10.2020

Cr. Case 294297/2016
STATE Vs. LAKHAN SINGH
FIR No. 301 /2013 (Rajinder Nagar)

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Accused produced from JC (through VC).

Sh. Gagan Kumar, Ld. counsel for accused (joined through VC).

The bail application moved on behalf of applicant/ accused, through email, is taken on record.

Heard. Record perused.

This order shall dispose off the application for bail application moved on behalf of applicant/accused Lakhani Singh.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that on 01.12.2017, the accused was granted legal aid and LAC was appointed for him. It is further averred that on 08.05.2018, the accused could not appear before the Court due to strike and when he inquired the next date of hearing from Ld. LAC, he was informed that the accused need not come to Court and will be served with summons for appearance. It is averred that thereafter, the accused/applicant could not get in touch with Ld. LAC nor could appear before the Court, leading to issuance of proclamation u/s 82 Cr.P.C. against him. It is further averred that the applicant/accused was thereafter, declared as a Proclaimed person and was arrested on 21.09.2020. With these averments prayer is made for enlarging applicant on bail.

Ld. APP for State has opposed the present application contending that if admitted on bail, the accused may again flee away from the process of law and his presence will not be secured during the course of trial.

The perusal of the main case file would reveal that the applicant/accused has been charge-sheeted for offences u/s 323/341/509 IPC. As per the record, the NBWs were ordered to be issued against accused on 04.01.2019 on account of his non appearance and thereafter, on 20.03.2019 proclamation u/s 82

Ld. APP
1/10/2020

Cr.P.C. was issued against accused. The accused was declared a proclaimed person on 07.03.2020 and thereafter, he was arrested on 21.09.2020 and since then he is undergoing judicial custody.

The charge-sheet has already been filed in the present case. No recovery is left to be effected from the accused. It is not the case of prosecution that that if enlarged on bail, the accused will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for any purposes. Even otherwise also, the presence of the accused during the course of trial ensured by taking sufficient sureties undertaking to ensure his presence. Besides, the purpose of issuing proclamation u/s 82 Cr.P.C. against accused was not punitive but to secure his attendance and now when his attendance is secured, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) ISCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a

Signature
11/10/2020.

taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant Lakhan Singh is hereby ordered to be enlarged on bail, subject to following conditions;

- 1) That the applicant shall furnish personal bonds in the sum of sum of Rs.10,000/- with two sureties of like amount each, to the satisfaction of Ld. Duty MM (on court duty).
- 2) That the applicant shall make himself available during the course of trial.
- 3) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
- 4) That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
- 5) That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
- 6) That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

Requisite bail bonds not furnished.

The application is accordingly disposed off.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

The accused is further remanded to JC till 07.10.2020. He be produced through VC on date fixed.

List for FP as per law on date fixed.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

e-FIR No.000172/20
PS Rajinder Nagar

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Applicant Ms. Manavi Kapur in person (joined through VC).

The present application was filed through email. Scanned copy of reply under the signatures of IO/HC Dharam Pal is received through email. Copy of same stands supplied to applicant, electronically.

Heard. Record perused.

This order shall dispose off application for release of ECM (Engine Control Module) Part of vehicle bearing no. DL 10CA 4335, moved on behalf of applicant Manavi Kapur.

In reply received under the signatures of IO/HC Dharampal, it has been stated that the ECM Part of vehicle bearing no. DL 10CA 4335 is lying in the custody of police at PS Rajender Nagar. It is further stated in report that the aforesaid ECM part pertains to vehicle of complainant. It is further reported that the IO has no objection, if the aforesaid ECM Part released in favour of its rightful owner.

Perusal of the copy of case FIR would reveal that same was registered on the basis of complaint made by applicant regarding theft of ECM Part of her vehicle bearing no. DL 10CA 4335 in the intervening night of 19.09.2020. The perusal of record would further reveal that applicant the aforesaid ECM Part of vehicle was in built part of the vehicle.

On perusal of the report of IO, RC of vehicle and documents appended with the application, applicant Manavi Kapur prima facie appears to be the registered owner of the vehicle bearing DL 10CA 4335 from which the alleged ECM Part was stolen. Therefore, the applicant prima facie appears to be entitled for

[Handwritten signature and date]
01/10/2020

custody of ECM Part in question.

In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid ECM Part of vehicle no. DL 10CA 4335 be released to the applicant / rightful owner subject to the following conditions:-

1. ECM Part in question be released to applicant/ rightful owner only subject to furnishing of indemnity bonds as per its valuation to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall prepare detailed panchnama mentioning the colour, Make, Serial number, Model and other necessary details of the ECM Part in question.
3. IO shall take the colour photographs of the ECM Part in question from different angles and also of the serial number and model number thereof.
4. The photographs should be attested and counter signed by the complainant/applicant and accused.
5. IO is directed to verify the identity of ECM Part in question from concerned vehicle agency by verification of its serial number, model number, make, brand etc.

Application stands disposed off.

Scanned copy of this order be sent to applicant and to IO/SHO concerned through email.

One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

State Vs. Not Unknown
FIR No. 84/17
PS Rajender Nagar

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.
Ms. Sona Khanna, Ld. counsel for applicant.
IO/SI Sunil Antil in person.
Heard. Record perused.

At this stage, counsel for applicant submits that she wishes to withdraw the present application with a liberty to file it afresh incorporating the prayer for cancellation of superdari.

Counsel for applicant has made statement qua withdrawal on the marginal side of application itself.

In view of the statement made by counsel for applicant, application stands dismissed as withdrawn.

Application is disposed off.

It be tagged with the main case file for record.

Copy of this order be uploaded on Delhi District Courts Website.

(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No. 193/20
State Vs. Pradeep Kumar
PS I.P. Estate

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Rajpal Singh, Ld. counsel for accused/applicant.

IO/SI Narender Kumar in person.

Heard. Record perused.

At this stage, counsel for applicant/accused submits that he wishes to withdraw the present application.

Counsel for applicant/accused has made statement qua withdrawal on the marginal side of application itself.

In view of the statement made by counsel for applicant, application stands dismissed as withdrawn.

Application is disposed off.

It be tagged with the main case file for record.

Copy of this order be uploaded on Delhi District Courts Website.

(RISHABH KAPOOR)
MM-03(Central), THC, Delhi
01.10.2020

FIR No. 287/15
State Vs. Sudama
PS I.P. Estate

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Ram Kumar Sharma, Ld. counsel for applicant (joined through VC).

Heard. Record perused.

At this stage, counsel for applicant submits that he wishes to withdraw the present application with a liberty to file it afresh after proper authorization in favour of AR Sh. Sudama.

In view of the submissions made by counsel for applicant, application stands dismissed as withdrawn. The applicant shall be at liberty to file the present application afresh with the proper authorization, if so advised.

Application is disposed off.

It be tagged with the main case file for record.

Copy of this order be sent to counsel for applicant, through email.

Copy of this order be uploaded on Delhi District Courts Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No. 151/20
PS I.P. Estate
State Vs. Subhash

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Amresh Kumar, Ld. counsel for applicant/accused (joined through VC).

IO/SI Narender in person.

The present application was filed through email.

Scanned copy of reply was sent by IO/SI Narender Kumar through email. Copy of same stands supplied to counsel for applicant, electronically.

At this stage, IO has also filed reply in Court. Same is taken on record.

Counsel for applicant submits that the case of applicant falls in the criterion laid down in the meeting of Hon'ble HPC dt. 07.04.2020. It is submitted that the applicant accused is a UTP/Remand prisoner (with respect to whom charge-sheet is yet to be filed) and he is in custody for a period of more than 15 days and is facing trial in case prescribing the maximum sentence for a period of less than 7 years. Therefore, he deserves to be admitted on interim bail.

IO submits that the charge-sheet has already been filed in the present case today itself and the case of accused does not fall within the criterion laid down vide minutes of HPC meeting dt. 07.04.2020.

At this stage, counsel for applicant further submits that the case of applicant also falls in the criterion laid down vide meeting of Hon'ble HPC dt. 28.03.2020 as the applicant/accused is an under trial prisoner facing trial in case involving maximum sentence of 07 years imprisonment and is in custody for a period of more than one month.

At this juncture, it becomes imperative to mention here that vide


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minutes of meeting dated 30.08.2020, Hon'ble HPC was pleased to resolve that the applications for interim bail of UTPs for being considered should be accompanied with a certificate of good conduct of accused during the respective custody period from concerned Jail Superintendent (mentioned in item no.3 at page no. 8 of minutes of HPC meeting dt. 30.08.2020).

Therefore, let report in this regard be called from concerned Jail Superintendent alongwith certificate of good conduct of accused during his custody period, if any on 03.10.2020 by 10:00 am.

Put up for arguments on 03.10.2020 at 12:00 pm.

Scanned copy of this order be sent to concerned Jail Superintendent through email, for compliance.

One copy of this order be also sent to Ld. counsel for applicant/accused through email.

One copy of this order be uploaded on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No. 151/20
PS I.P. Estate
State Vs. Subhash Chander @ Mukesh

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Accused stated to be in JC.

SI Mohit Asiwali in person.

IO/SI Narender Kumar in person.

IO has filed the charge-sheet pertaining to case FIR No.151/20 u/s 384/170/171 IPC, PS I.P. Estate. It be checked & registered.

Heard. Record perused.

On the basis of material available on record, since there exists a prima facie case against the accused for offences u/s 384/170/171 IPC, hence cognizance is taken.

IO is directed to supply the copy of charge-sheet to accused through concerned Jail Superintendent before next date i.e. 22.10.2020.

The accused be produced through VC over Cisco Webex on date fixed.

Concerned Jail Superintendent to do needful.

Copy of this order be given dasti to IO for compliance.

One copy be sent to concerned Jail Superintendent through email, for compliance.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No.161/20
State Vs. Mahender Kumar
PS Rajinder Nagar

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.
Sh.N.K. Saraswat, Ld. LAC for accused/applicant (joined through VC).
IO/SI Krishan Pal in person.

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/SI Krishan Pal, is received through email id of the court. Copy of same is already supplied to Ld. LAC for applicant/accused, through email.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of applicant/accused Mahender Kumar.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that no recovery has been effected at the instance of accused and alleged recovery is planted one. It is further averred that applicant is sole bread earner of his family and is having responsibility to look after his wife and three minor children. It is further averred that the case of the applicant/accused does not fall within the guidelines issued by Hon'ble HPC. With these averments prayer is made for enlarging applicant on bail.

Ld. APP for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.

In the present case, the applicant was arrested for the offences u/s 457/380/511 IPC. As per reply filed by IO/SI Krishan Pal, the recovery of alleged


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case property has already been effected from the applicant/accused, in the present case. It is not the case of prosecution that if enlarged on bail the accused will dissuade the prosecution witnesses or will tamper the evidence. The accused is undergoing custody since 16.07.2020. The charge-sheet has already been filed in the present case. The trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for the investigation purposes. Even otherwise also, the presence of the accused during the course of trial can be ensured by taking sufficient sureties undertaking to ensure his presence. If so, in the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) ISCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the


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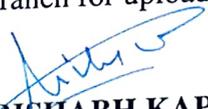
accused/applicant Mahender Kumar is hereby ordered to be enlarged on bail, subject to following conditions;

- 1) That the applicant shall furnish personal and surety bonds in the sum of sum of Rs.15,000/- each, to the satisfaction of Ld. Duty MM (on court duty).
- 2) That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
- 3) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
- 4) That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
- 5) That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
- 6) That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No.189/20
State Vs.Ajay @ Jeetu
PS Rajinder Nagar

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh.N.K. Saraswat, Ld. LAC for accused/applicant (joined through VC).

IO/ASI Daryao Singh in person (joined through VC).

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/ASI Daryo Singh, is received through email id of the court. Copy of same is already supplied to Ld. LAC for applicant/accused, through email.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of applicant/accused Ajay @ Jeetu.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that nothing incriminating has been recovered from the possession of applicant/accused and alleged recovery is planted one. It is further averred that the case of the applicant/accused does not fall within the guidelines issued by Hon'ble HPC and he is seeking the regular bail on merits. With these averments prayer is made for enlarging applicant on bail.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the previous conviction/involvement report appended in the record, it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case e-FIR No.03754/18 u/s 379 IPC, FIR No. 0008/19 u/s 392/34 IPC, PS Rajinder Nagar and e-FIR No. 002213/19 u/s 379


01/10/2020.

IPC. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the accused/applicant.

Accordingly, the present application deserves dismissal and same is hereby dismissed.

The application is accordingly disposed off.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in, for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

FIR No.196/2019
State Vs. Vinay Verma
PS Rajinder Nagar

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Vinay Kumar Sharma, Ld. Counsel for accused/applicant (joined through VC).

Sh. Anjum Kumar, Ld. counsel for complainant (joined through VC).

IO/SI Mahipal Singh in person (joined through VC).

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/SI Mahipal Singh, is received through email id of the court. Copy of same is already supplied to Ld. counsel for applicant/accused, through email.

This order shall dispose off the application for grant of regular bail u/s 437 Cr.PC, moved on behalf of applicant/accused Vinay Verma.

It is averred on behalf of the applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has never received any money in his bank account nor there is any allegation of his taking money from complainant. It is further averred that the complainant has falsely implicated the applicant/accused by conniving with one Mangal who has allegedly cheated the applicant/accused. It has further been averred that the complainant has not mentioned any date, month or mode of payment in his complaint. It is further submitted that the accused is having clean previous antecedents. With such averments prayer is made for grant of bail to the accused.

In reply filed, the present application is opposed primarily on the ground that the other co-accused persons are yet to be arrested by the police. It is


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also averred that the allegedly cheated amount is yet to be recovered from accused persons and the investigation of the case is at an initial stage. With such submissions, the prayer has been made for dismissing the bail application as moved on behalf of applicant.

Heard. Record perused.

Pertinently, the grounds pleaded for grant of bail to accused/applicant are the lack of specific allegations qua date, month and mode of payment allegedly made by complainant in favour of the accused. It has also been argued that the sustained interrogation of the accused has already taken place in the police custody and as such, he is no more required by the police. Besides, it is also argued that the accused has no previous criminal antecedents and hence, the accused deserves to be enlarged on bail.

Per contra, the aforesaid arguments were refuted by the prosecution with the submissions that the investigation of the present case is at its very inception and the remaining co-accused persons are yet to be nabbed by the police. Besides, the verification report of allegedly forged fitness certificate handed over by accused persons to complainant, is also yet to be received by the police, hence the accused does not deserve to be enlarged on bail. The present application is also vehemently opposed on the ground that the recovery of allegedly cheated amount is also yet to be effected in the present case.

On careful perusal of the case FIR, it emerges that the complainant has leveled specific allegations against the accused persons narrating the details and manner in which the alleged offences have been committed by the accused persons. Pertinently, the charges under sections 468/471 of IPC have also been added in the present case FIR as certain documents such as medical cash slip given by accused persons to complainant, were found fake. As per the allegations, the accused persons have duped the complainant and several other persons and dishonestly obtained an amount of Rs.4-5 Crores from them. Further, as regards the argument advanced on behalf of the applicant qua the lack of specificity of allegations such as the date, month, mode and manner of payment etc., it is pertinent to mention that such matters are to be dealt with during the course of the trial and as such, at the time of adjudicating upon the application in hand, same does not appear to be vital. In this regard, it becomes pertinent to mention the observations made by Hon'ble


01/10/2020

Apex Court in Anil Kumar Yadav vs. State (NCT) of Delhi (2018) 12 SCC 129, wherein it was observed that it is by now well settled that at the time of considering an application for bail, the court must take into account certain factors such as existence of a prima facie case against the accused, the gravity of allegations, the position and status of the accused, the likelihood of accused fleeing from justice and repeating the offence, the possibility of tampering with the witnesses and obstructing the courts as well as the criminal antecedents of the accused. It is also well settled that the court must not go deep in the merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused.

In view of the discussion made above and also on perusal of the case record, it emerges that a strong prima facie case exists, showing the complicity of the accused in the alleged offences and admittedly, the other co-accused persons are yet to be nabbed by the police. There also exists a strong likelihood that if at this stage, accused is enlarged on bail, he would help the other co-accused persons in evading the process of law. Besides, if at this stage, the accused/applicant is enlarged on bail, he may also prevent the recovery of the alleged cheated amount, which in turn will seriously prejudice the rights of complainant. The investigation in the present case is at its very inception and has to be brought to a logical end. Besides, the magnitude and manner of commission of alleged offence can also not be ignored. In these totality of circumstances, this court is of the firm view that at this stage, there exists no ground to exercise the discretion of granting bail, in favour of accused/applicant. Accordingly, the present application deserves dismissal and same is dismissed.

The application is accordingly disposed off.

Scanned copy of this order be sent to the counsel for applicant/accused and complainant, through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020

Cr. Case 4097/2020
STATE Vs. ARJUN
FIR No. 0073/2020 (Rajinder Nagar)

01.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

IO/SI Rajvir Singh in person.

Accused stated to be in JC.

Upon specific query made from IO, he submits that till date, the accused has not moved any bail application in present case FIR.

Heard. Record perused.

On the basis of material available on record, since there exists a prima facie case against the accused for offences u/s 356/379/34 IPC, hence cognizance is taken.

IO is directed to supply the copy of charge-sheet to accused through concerned Jail Superintendent before next date i.e. 22.10.2020.

The accused be produced through VC over Cisco Webex on date fixed.

Concerned Jail Superintendent to do needful.

Copy of this order be given dasti to IO for compliance.

One copy be sent to concerned Jail Superintendent through email, for compliance.

(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
01.10.2020