

26.09.2020

Joined through Video conferencing at 10.45 am.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Rohan.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for the State joined the video conferencing through Cisco Webex.

Mr. Nitin Gupta, Ld. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 15.08.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted by Ld. Counsel for accused that co-accused Sanjay has already been granted bail by Ld. Sessions Court. He further argued that nothing has been recovered from the possession/at the instance of accused. He further argued that IO of the present case is filing misleading reply to the Court. He further submitted that it is not mentioned in the reply from where and to whom the alleged scooty got recovered. He further submitted that CCTV footages cannot be relied upon as the same has not been sent alongwith reply and the same has not been seen by the Court. Therefore, it has been prayed that 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. Perusal of reply shows that the present accused has refused to participate in TIP proceedings. It is mentioned in the reply that applicant and co-accused Sumit were intercepted by the police over the flyover behind Shanti Van, Ring Road, Delhi, after the commission of crime on 06.08.2020 itself. The co-accused Sumit was apprehended alongwith the scooty. The present accused ran away. The CCTV camera installed at that place showed alleged Rohan and co-accused Sumit were intercepted. The robbed cash of Rs. 5 lac was later on recovered from one Delhi Police official on 18.08.2020. The present accused alongwith

co-accused Sanjay was arrested by the Special Staff of South district U/s 41.1 (D) Cr.P.C. vide DD No. 93-A dated 14.08.2020. Thereafter, they have been formally arrested in the present case on 17.08.2020.

Submissions heard. Perused.

There is specific allegations against the accused in the present case. Accused has also refused to participate in TIP proceedings. It is mentioned in the reply of IO that accused is shown in CCTV footages. Though, present accused was arrested on disclosure statements and nothing recovered from his possession but prima facie there is evidence against him for commission of offence u/s 392/394 IPC as he refused to participate in TIP proceedings and his presence with co-accused Sumit were captured in CCTV camera installed at Ring Road. Moreover, one co-accused still to be apprehended and the release of present accused on bail may hamper the investigation or the arrest of co-accused. Furthermore, the present FIR has been registered U/s 392/394/411 IPC and Section 394 IPC is punishable with imprisonment up to life. So, considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail at this stage. Hence, bail application of accused 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.

MANOJ KUMAR Digitally signed by
MANOJ KUMAR
Date: 2020.09.26
16:27:56 (MANOJ KUMAR)

MM-06(C)/THC/Delhi/26.09.2020

26.09.2020

Joined through Video conferencing at 10.20 am.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Shyam.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for the State joined the video conferencing through Cisco Webex.

Mr. Ajay Kumar, Ld. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 21.08.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further argued that co-accused has already been granted bail vide order dated 28.08.2020. He further argued that accused is not involved in any other case and investigation qua accused is almost complete. Therefore, it has been prayed that accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for applicant. Perusal of reply shows that case property got recovered from the possession from the house of accused. Accused is not involved in any other case.

Submissions heard. Perused.

Considering that recovery has already been effected and accused is not involved in any other case. Investigation qua accused is almost complete. So, I am of the considered view that no purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 20,000/- with one surety of like amount subject to the following conditions:-

1. That the accused person(s) shall join investigation as and when called.

2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.

3. That the accused person(s) shall not commit similar offence and;

4. That the accused person(s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.

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.

**MANOJ
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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/26.09.2020

FIR No. 356/20
PS – Civil Lines
U/s 186/353/332/34 IPC
State Vs Ankush Baliyan & Vishal

26.09.2020

Joined through Video conferencing at 10.05 am.

Applications for grant of interim bail to the accused Ankush Baliyan & Vishal moved electronically.

Separate application for grant of interim bail has also been filed by Ld. LAC Mr. Nitin Yadav for accused Vishal.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for the State joined the video conferencing through Cisco Webex.

Mr. Vineet Mehta, Ld. Counsel for applicant/accused Ankush Baliyan & Vishal joined through Cisco Webex.

Mr. Nitin Yadav, Ld. LAC for applicant/ accused Vishal also joined through Cisco Webex.

Vide this common order, I shall dispose off applications for grant of interim bail to both the applicants/accused. Ld. Counsel for accused persons has argued that both applicant/accused are in J/C since 03.09.2020. Ld. Counsel for accused further argued that earlier bail applications of both the accused persons got dismissed by this Court on 08.09.2020 and further by Ld. Sessions Court on 17.09.2020. He further argued that both the accused persons are young and not involved in any other case. He further argued that offences is punishable with less than 7 years of imprisonment. So, he requested that both accused persons are entitled to release on interim bail as per the directions of the 'High Powered Committee' of Hon'ble High Court of Delhi.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for accused persons. Perusal of reply shows that few of the accused persons still to be arrested and there are chances that accused persons may flee from justice.

Submissions heard. Perused.

Both accused persons are stated to be students and preparing for competitive examinations. Offence in the FIR is punishable with less than 7 years. Considering that accused persons are in J/C since 03.09.2020 and they are also not involved in any other case, so in view of the minutes of the meeting of the '**High Powered Committee**' of Hon'ble High Court of Delhi dated **07.04.2020**, both accused are granted interim bail for a period of 45 days from the date of their release from custody, on furnishing of personal bond in the sum of Rs. 10,000/- each to the satisfaction of Jail Superintendent subject to the following conditions:-

- 1. That both accused shall surrender before the authorities concerned after the expiry of 45 days from the date of release.*
- 2. That both accused shall not indulge in similar offences or any other offences in the event of their release on bail.*
- 3. That both accused shall not tamper with evidence in any manner.*
- 4. That in case of change of their residential address, they shall intimate the Court about the same.*

Both accused be released from J/C, if not required in any other case.

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 Id. Counsel for the applicants/accused. The printout of the application, reply and order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/26.09.2020

FIR No. 5792/20
PS – Sadar Bazar

26.09.2020

Joined through Video conferencing at 11.30 am.

This is an application for releasing of vehicle bearing no. **UP-14-DD-2349** on superdari filed by applicant/ registered owner electronically.

Present: Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. Imran, applicant has joined the meeting through Cisco Webex.

Reply filed by the IO electronically as per which, the vehicle is no more required for the purpose of investigation.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **UP-14-DD-2349** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

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

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Date:
2020.09.26
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MM-06(C)/THC/Delhi/26.09.2020