

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of mobile make Vivo V-15 bearing IMEI No. 866745049353652 & 866745049353645 on superdari filed by applicant/ registered owner Ms. Divyani Sahu.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Applicant alongwith Id. Counsel Mohd. Shuaib Khan has joined through V.C.

SPA Sh. Sachin Dhiman has also joined through V.C.

Reply on behalf of IO filed electronically. Copy of same has been sent to applicant. As per the reply, it is stated that IO has no objection in releasing the mobile phone **Vivo V-15** to the applicant as it is no more required for the purpose of investigation.

Applicant has executed a Special Power of Attorney in favour of Sh. Sachin Dhiman to represent her before this Court in the present FIR and to take possession of case property on superdari on her behalf. On query made by this court, the applicant submits that the phone be released to her friend Sh. Sachin Dhiman, as she is a resident of M.P. and will be unable to come to Delhi to take the physical possession of phone on superdari.

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 Gujrat, 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 V-15 be released to the SPA holder, Sh. Sachin Dhiman** 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 SPA, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. 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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

e-FIR NO. 035337/19
P.S. Sadar Bazar

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL-10-SS-6297 with the permission for disposal with liberty of sale has been filed by applicant/AR Mohd. Basharat Ali.

Present : Ld. APP for the State through V.C.

Sh. Vijendra Kumar Singh, Ld. Counsel for applicant alongwith AR joined through V.C.

Reply to the present application has not filed by IO.

Let notice be issued to IO to file reply to the present application on

15.01.2021.

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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/13.01.2021

FIR No. ND-SB-00074/20
PS Sadar Bazar

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of mobile on superdari filed by applicant/ registered owner Sh. Vikas Mishra.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

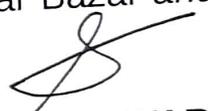
Applicant has joined through V.C.

Reply to the present application has not filed by IO.

Let notice be issued to IO to file reply to the present application on

14.01.2021.

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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/13.01.2021

FIR No. 031151/20
PS Sadar Bazar
U/s 379/411 IPC

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. UP-81-BR-2320 on superdari filed by applicant/ registered owner Sh. Kush Sablok.

Present : Ld. APP for the State through V.C.

Sh. Kush Sablok, applicant joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has verified the ownership of the vehicle in question and he has no objection in releasing the same to the applicant as it is stated that the vehicle in question 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-81-BR-2320** be released to the applicant/rightful owner/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/rightful owner/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.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report. 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.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. UP-81-BR-2320 on superdari filed by applicant/ registered owner Sh. Kush Sablok.

Present : **Ld. APP for the State through V.C.**

Sh. Kush Sablok, applicant joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has verified the ownership of the vehicle in question and he has no objection in releasing the same to the applicant as it is stated that the vehicle in question 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-81-BR-2320** be released to the applicant/rightful owner/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/rightful owner/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.

Copy of this order be given dasi to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report. 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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of mobile make Redmi MI-5 Pro, DL and some cash on superdari filed by applicant Sh. Rohit Kumar.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Applicant has appeared in person.

Reply on behalf of IO filed electronically. Copy of same has been sent to applicant. As per the reply, it is stated that IO has no objection in releasing the mobile phone, DL & cash worth Rs. 4480/- recovered from the accused persons as it is no longer required for investigation purpose.

The applicant has sent the scanned copy of bill of mobile phone. For the purpose of identity, scanned copy of Voter Identity card of applicant is also sent alongwith the application.

Instead of releasing the case property on superdari, I am of the considered view that the same 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.**

Accordingly, since the above said case property (mobile phone, DL and cash worth Rs. 4480/-) is not required for the purpose of investigation, SHO/IO concerned is directed to release the same on furnishing of security bond/indemnity bond as per valuation report of the above said case property to the applicant/rightful claimant. However, it is directed that before the release of cash amount and mobile phone, SHO/IO shall prepare a detailed punchnama of the mobile phone and currency notes with their number and denomination and shall also take the photographs of the mobile/currency notes. The said



photographs shall further be attested or countersigned by the complainant/applicant, accused as well as the person to whom the custody shall be handed over and a memo of the proceedings be also prepared which shall also be signed by the parties and the witnesses if any. A copy of entire proceedings be also placed on record in the judicial file.

The applicant/superdar is further directed that in case some other person turns to be a claimant of cash amount released to the applicant and establishes his ownership over the same then the applicant shall be liable to redeposit the above said amount in the court and in failure of the same the security bond furnished by him shall stand forfeited and he shall be liable to pay the amount specified in the security bond in the court.

Application 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 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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing an amount of Rs. 30,000/- on superdari filed by applicant Sh. Sudheer Bhartiya electronically.

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

Applicant has joined through V.C.

Reply on behalf of IO has already been filed on the last date of hearing. As per the reply, the case property i.e. cash worth Rs. 30,000/- has been recovered from the possession of accused and IO has no objection to its release to its rightful owner/ applicant as it is no longer required for investigation purpose.

For the purpose of identity, applicant has sent the scanned copy of his AADHAR card alongwith application.

Instead of releasing the case property on superdari, I am of the considered view that the same 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.**

Accordingly, since the above said case property is not required for the purpose of investigation, SHO/IO concerned is directed to release the same on furnishing of security bond in a sum of Rs. **Rs. 30,000/-** to the applicant/rightful claimant. However, it is directed that before the release of cash amount SHO/IO shall prepare a detailed punchnama of the currency notes with their number and denomination and shall also take the photographs of the currency notes. The said photographs shall further be attested or countersigned by the complainant/applicant, accused as well as the person to whom the custody shall be handed over and a memo of the proceedings be also prepared

Sudheer

which shall also be signed by the parties and the witnesses if any. A copy of entire proceedings be also placed on record in the judicial file.

The applicant/superdar is further directed that in case some other person turns to be a claimant of cash amount released to the applicant and establishes his ownership over the same then the applicant shall be liable to redeposit the above said amount in the court and in failure of the same the security bond furnished by him shall stand forfeited and he shall be liable to pay the amount specified in the security bond in the court.

Application disposed off. Copy of this order be given dasti to applicant. 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 the applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex at 11.30 am.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Zeeshan @ Farman s/o Mohd. Irfan @ Imran

Present : Ld. APP for State (through V.C).

Sh. Amit Sharma, Id. Counsel for applicant/accused (through V.C).

Reply has not been filed by IO. Concerned Naib Court has intimated the Court that reply will be filed by IO concerned during course of the day.

Be awaited till 02.00 pm.

Ld. Counsel for applicant is directed to join the V.C. at 02.00 pm


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

At 02.00 PM

Present : Ld. APP for State (through V.C).

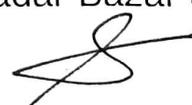
Sh. Amit Sharma, Id. Counsel for applicant/accused (through V.C).

IO ASI Mukesh Kumar in person.

Reply to the present bail application has been filed by IO physically. Same is taken on record. IO is directed to sent the copy of reply to the Ld. Counsel for applicant/accused electronically.

At request of Ld. Counsel for applicant/accused, put up for consideration on the bail application on **14.01.2021.**

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.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex at 01.15 pm.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Ajay Chauhan s/o Sh. Raj Kumar.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).
Sh. Vikas Agrawal, Ld. LAC for applicant/accused has joined meeting through Cisco Webex.

Reply to the present bail application has been filed. Same is taken on record.

Perusal of reply reveals that applicant/accused has already been granted bail by Ld. Sessions Court vide order dated 07.01.2021. Copy of bail order has also been annexed alongwith the reply.

At this stage, Ld. LAC for applicant/accused seeks to withdraw the present bail application.

Heard. Request stands allowed. At request of Ld. LAC for applicant/accused, the present bail application stands dismissed as withdrawn.

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.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).
Sh. S.P. Sharma, Ld. Counsel for accused alongwith accused Anuj in person.
Smt. Kiran, previous surety in person.
Sh. Vijay, new surety in person.

Both the applications are taken up physically today at the request of surety and Ld. Counsel for accused.

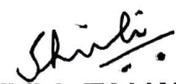
An application for cancellation of surety and release of surety documents has been moved on behalf of surety Smt. Kiran. The surety seeks discharge on the ground that accused is out of her control and involved in many criminal cases.

Accused has appeared in the Court in person in pursuance of notice issued to him vide order dated 17.12.2020. An application for change of surety and furnishing fresh surety bond has been moved on behalf of accused Anuj by his Ld. Counsel electronically.

Fresh bail bond and surety bond of Rs. 25,000/- has been furnished by the accused. The same is accepted. Accordingly, earlier bail bond of the accused is hereby cancelled. Surety Smt. Kiran is hereby discharged. Original document of previous surety retained, if any, be returned back to her after cancelling endorsement made therein.

Accordingly, both the applications stand disposed off.

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


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

State Vs. Mohd. Kamil
FIR No. 32/18
PS Sadar Bazar
U/s 379/411 IPC

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

None has joined through Video Conferencing on Cisco Webex.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

None on behalf of applicant/surety has joined through V.C.

File taken up today on the application seeking withdrawal of surety documents moved on behalf of applicants Nazma and Tahir electronically.

Perusal of case file reveals that order regarding return of documents has already been passed by Ld. Predecessor of this Court vide order dated 22.05.2019. In view of same, the present application stands dismissed.

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



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

State Vs. Rahul @ Bhaiya s/o Shiv Kumar
State Vs Rahul s/o Brij Mohan
FIR No. 02/2021
PS Sadar Bazar
U/s 392/394/411/34 IPC

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex.

These are two separate applications U/s 437 Cr.P.C. for grant of bail have been moved on behalf of applicants/accused persons namely, Rahul @ Bhaiya s/o Shiv Kumar and Rahul s/o Sh. Brij Mohan.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Sh. B. Khan, Ld. Counsel for applicants/accused persons has joined through V.C.

Vide this common order, both bail applications are being disposed off together as they arise out of the same FIR.

Separate replies of both applications have already been filed electronically. Copies thereof already supplied to the Ld. Counsel for applicants/accused persons electronically.

Arguments on both bail applications heard. Replies perused.

It is submitted by Ld. Counsel for applicants/accused persons that applicants/accused persons are innocent and have been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of any of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that both applicants/accused persons have no role to play in the present offence and have been falsely implicated in the present case by the police officials. It is further submitted that the past antecedents of the applicants/accused persons are clean and they are not previous convicts. It is further submitted that the complainant has lodged the present FIR due to enmity with the accused persons. It is further submitted that the applicants/accused persons are in J/C since 03.01.2021 and they are no more required for any custodial interrogation. It is further submitted that wife of



applicant/accused Rahul @ Bhaiya is 8 months pregnant and there is nobody in his family to look after his wife. It is further submitted that applicants/ accused persons are the sole bread earners of their respective families. Therefore, it has been prayed that both the applicants/ accused persons be released on bail.

Perusal of replies of IO reveals that the present FIR was lodged on the complaint of complainant, wherein complainant alleged that at around 10.15 PM on 02.01.2021, when he reached near his house, a boy with a heavy built came from behind and choked his neck and another boy with a lean built stole his mobile phone, driving license, AADHAR card, ATM and Rs. 8,100/- cash from the pocket of his jeans while giving him punches on his head which caused him injury. It is further stated that both the applicants/ accused persons were arrested on the basis of a CCTV footage and case property was recovered from them.

Ld. APP for the State has opposed the bail applications on the ground that the allegations against the applicants/ accused persons are serious in nature and they have been apprehended on the basis of CCTV footage. It is further submitted that recovery of case property has been made from both the applicants/ accused persons. It is further submitted that investigation of the case at an initial stage. Hence, it is prayed that applicants/ accused persons 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.

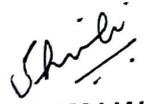
Allegations against both the applicants/accused persons are grave and serious in nature. It is alleged by the complainant that one of the accused choked his neck from behind while the other stole his mobile phone, driving license, AADHAR card, ATM and Rs. 8,100/- cash from the pocket of his jeans while giving him punches on his head which caused him injury. Perusal of reply of IO reveals that both the applicants/ accused persons were apprehended on the basis of CCTV footage. Thus, prima facie there is material against both the



applicants/accused persons regarding their involvement in the present case. The present FIR has been registered U/s 392/394 IPC and Section 394 IPC entails imprisonment up to life. Thus, considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail to both the applicants/accused persons at this stage. Hence, bail applications of both applicants/accused persons stands dismissed.

Accordingly, the present applications are 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 applicants.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021

13.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Sh. Ravinder Kumar Sharma, Ld. Counsel for applicant joined through V.C.

An application for calling of status report has been filed on behalf of applicant.

Ld. Counsel for applicant submits that the present FIR was registered on the complaint of complainant on 29.05.2020. It is stated that victim Laxmi was kidnapped by accused person on 26.05.2020 and IO ASI Balwant Singh found the victim after 5 days of the incident, however, the complainant is not aware about the whereabouts of the victim. Ld. Counsel has also prayed for direction to SHO / IO to add proper section in this FIR.

Status report has been filed electronically by IO. Same is taken on record. IO is directed to supply the copy of status report to the Ld. Counsel for applicant electronically during course of the day.

As per the status report filed by IO, investigation in the present case has been completed and charge-sheet has been filed before this Court on 22.12.2020.

Since charge-sheet has already been filed, Ld. Counsel for applicant does not press upon his relief for adding sections to the present FIR. However, in view of the application moved by Ld. Counsel for applicant, IO / SHO concerned is directed to file a report regarding the present whereabouts of victim Laxmi on **18.01.2021**.

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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/13.01.2021

State V/s Rajiv
FIR No. 481/20
P.S. Civil Lines
U/s 392/411/341PC

13.01.2021

Vide Office Order No. 1417/25841 991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing at 01.20 PM.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Rajiv s/o Sh. Gurcharan Dass.

Present : Ld. APP for State (through V.C).

Mr. Vikas Agrawal, Ld. LAC for applicant/accused (through V.C).

It is submitted by Ld. LAC for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused has no role to play in the present offence. 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 co-accused Sonu has been granted bail by this Court vide order dated 21.12.2020. 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 applicant/accused is in J/C since 14.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that 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 applicant/accused alongwith co-accused Vikas caught hold of hand of complainant while co-accused Manish choked his neck and co-accused Sonu Mehra robbed his mobile phone and cash. It is further stated that the applicant/ accused is a vagabond and has no permanent address.

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



and he was apprehended on the spot while he was trying to run away from the place of incident. It is further submitted that applicant/accused is a vagabond and he may abscond, if released on bail. Hence, it is prayed that 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. Perusal of the previous involvement report of applicant/ accused filed by IO reveals that applicant/ accused is a first time offender. He is in J/C since 14.11.2020. Investigation is complete and charge-sheet has already been filed. Thus, he is no more required for any custodial interrogation. Hence, applicant/ accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 15,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, 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 induce, 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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/13.01.2021