

16.05.2020

Present:- Ld. APP for the State.  
Sh. Punieesh Grover and Ms. Navruti Ojha, Ld. Counsels for  
applicant / accused connected through video conferencing  
through PRO.  
IO / HC Sushil Nagar, Belt No.1046/N, PS Wazirabad.

Vide this order, I shall dispose off the bail application moved on behalf of accused Rahul Parcha @ Vishwas. It is submitted by Ld. Counsel that accused is in judicial custody since 13.03.2020. Further, the accused has been in judicial custody for more than 02 months, therefore, in view of out break of COVID-19 pandemic, it is not safe to keep the accused in judicial custody any further and that the accused be granted bail in the present case.

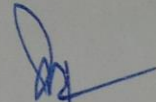
Heard. Report of IO perused.

Since accused Rahul Parcha @ Vishwas is in custody since 13.03.2020 and investigation in this case is over. Moreover, present application has been filed during the out break of COVID-19 pandemic, this court takes a lenient view, bail is granted to accused Rahul Parcha @ Vishwas on furnishing personal bond in sum of Rs.10,000/- to the satisfaction of Jail Superintendent concerned subject to the following conditions:

1. That he shall not indulge into similar offence or any other offence in the event of release on bail.
2. That he shall not tamper with evidence in any manner.

3. That in case of change of his residential address, he shall intimate the court about the same.
4. That he shall regularly appear before the court concerned on each and every date of hearing.

Accused be released from judicial custody, if not required in any other case. Copy of order be sent to Jail Superintendent concerned, which shall also be treated as release warrant.



(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

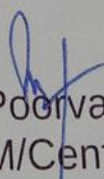
**Mohd Aslam Vs. Shanti Swaroop Satija**  
**CC no.7973/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

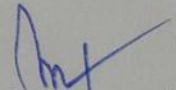
**Madhu Kohli Vs. Shanti Swaroop Satija**  
**CC no.18813/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

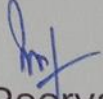
**Mohd Danish Vs. Shanti Swaroop Satija**  
**CC no.8514/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Pooorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

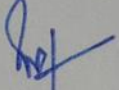
**Ruchi Aggarwal Vs. Shanti Swaroop Satija**  
**CC no.6195/2018**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

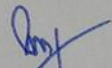
**Mohd Danish Vs. Shanti Swaroop Satija**  
**CC no.8514/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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Duty MM/Central/THC  
Delhi/16.05.2020

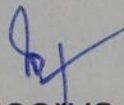
**Ruchi Aggarwal Vs. Sampatti Developer**  
**CC No.6185/2018**  
**PS Lahori Gate**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020



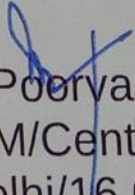
**Mohd Amir Vs. Shanti Swaroop Satija**  
**CC no.18525/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorya Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

State Vs. Sahil Chaudhary @ Tiger  
FIR no.83/2020  
PS Kotwali

16.05.2020

Present:- Ld. APP for the State.  
Sh. Shadman Ahmed Siddiqui, Ld. Counsel for applicant  
through video conferencing through PRO.

Reply to the application received. Submissions heard.

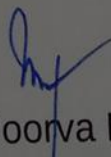
It has been submitted by the IO that documents of the concerned scooty could not be verified by him as same have not been furnished by applicant. Same has been denied by Ld. Counsel for applicant.

Heard. Record perused.

Now, clarifications are hereby sought from the IO as Ld. Counsel for applicant has submitted that applicant has already furnished documents of the concerned scooty to the police as the same are lying within the scooty.

Now, IO is directed to file his clarifications on this issue on

18.05.2020.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

16.05.2020

Present:- Ld. APP for the State.  
Sh. Anil Kumar, Ld. Counsel for applicant /accused  
connected through video conferencing through PRO.

Present matter is fixed for consideration of bail application filed on behalf of applicant / accused Ram Vinay Sahu seeking "Default Bail" U/s 167 (2) and 437 Cr.PC. It has been submitted by Ld. Defence Counsel that accused is in judicial custody since 14.03.2020 and charge-sheet in this case has not been filed despite the duration of 60 days as mandated by law being over. Further, it has also been submitted by Ld. Defence counsel that "Default Bail" is the indefeasible right of accused in custody and has accrued to him due to default of investigation agency. It has also been pleaded that accused is the sole bread earner of the family and being young man supports his wife and minor children.

Reply to the said application has been submitted by the IO on the previous date. It has been submitted that accused has been arrested on the abovestated date where only zero number FIR has been filed against him. It has also been stated that accused is the resident of District Gumala, Jharkhand, PS Basiya. Further no reasons as to the delay on filing of the charge-sheet has been submitted.

Heard. Perused. Section 167(2) proviso (a) reads as follows:  
(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time,

authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that, –

(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding, –

- (i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;
- (ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;

(b) xxx

(c) xxx

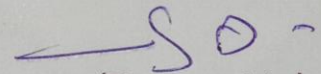
The abovestated statutory provision provides that in case during investigation the accused person is detained in custody for a total

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period exceeding 60 days where investigation relates to an offence punishable with imprisonment for a term less than 10 years, accused shall be entitled to statutory bail known as "Default Bail" in vernacular. The law lays down that accused shall become entitled to the abovesaid remedy if he files an application for bail and furnishes bail bonds in this regard. This court finds support for its view from judgment of the Hon'ble Madras High Court in a case titled as "**Settu Vs. The State**" date of decision 08.05.2020, CRL. OP (MD.No.5291 of 2020).

Given the abovestated facts and circumstances, this court is of the considered view that the right of accused seeking "Default Bail" has been vested in the accused on completion of statutory period of 60 days within which police failed to file the charge-sheet. Therefore, this court deems it fit that accused Ram Vinay Sahu be granted statutory bail subject to furnishing personal bonds to the tune of Rs.20,000/- subject to satisfaction of the Jail Superintendent, given the present circumstances that we are facing in light of COVID-19 pandemic and guidelines being issued by the Hon'ble High Court of Delhi.



(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

Metropolitan Magistrate  
Delhi



16.05.2020

Present:- Ld. APP for the State.  
Sh. Punieesh Grover and Ms. Navruti Ojha, Ld. Counsels for  
applicant / accused connected through video conferencing  
through PRO.  
IO / HC Sushil Nagar, Belt No.1046/N, PS Wazirabad.

Vide this order, I shall dispose off the bail application moved on behalf of accused Rahul Parcha @ Vishwas. It is submitted by Ld. Counsel that accused is in judicial custody since 13.03.2020. Further, the accused has been in judicial custody for more than 02 months, therefore, in view of out break of COVID-19 pandemic, it is not safe to keep the accused in judicial custody any further and that the accused be granted bail in the present case.

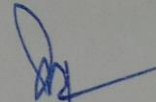
Heard. Report of IO perused.

Since accused Rahul Parcha @ Vishwas is in custody since 13.03.2020 and investigation in this case is over. Moreover, present application has been filed during the out break of COVID-19 pandemic, this court takes a lenient view, bail is granted to accused Rahul Parcha @ Vishwas on furnishing personal bond in sum of Rs.10,000/- to the satisfaction of Jail Superintendent concerned subject to the following conditions:

1. That he shall not indulge into similar offence or any other offence in the event of release on bail.
2. That he shall not tamper with evidence in any manner.

3. That in case of change of his residential address, he shall intimate the court about the same.
4. That he shall regularly appear before the court concerned on each and every date of hearing.

Accused be released from judicial custody, if not required in any other case. Copy of order be sent to Jail Superintendent concerned, which shall also be treated as release warrant.



(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

CC No. 7973/18

Mohd. Aslam Vs. Shanti Swaroop Satija

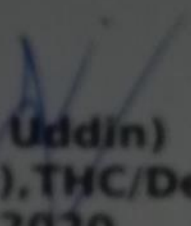
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Ld. Counsel for applicant/ accused connected through video conferencing through PRO.

Let the copy of reply received from concerned Jail Superintendent as well as list of cases in which accused is required be sent to Ld. Counsel for applicant/ accused today itself through Whatsapp.

Now put up for consideration on tommorow itself i.e.

16.05.2020.

  
(Fahad Uddin)  
Duty MM (C), THC/Delhi  
15.05.2020



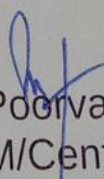
**Mohd Aslam Vs. Shanti Swaroop Satija**  
**CC no.7973/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

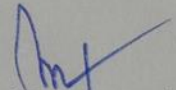
**Madhu Kohli Vs. Shanti Swaroop Satija**  
**CC no.18813/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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Delhi/16.05.2020

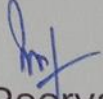
**Mohd Danish Vs. Shanti Swaroop Satija**  
**CC no.8514/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
(Pooorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

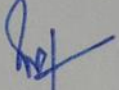
**Ruchi Aggarwal Vs. Shanti Swaroop Satija**  
**CC no.6195/2018**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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Duty MM/Central/THC  
Delhi/16.05.2020

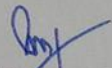
**Mohd Danish Vs. Shanti Swaroop Satija**  
**CC no.8514/2018**  
**PS Sadar Bazar**

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Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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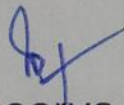
**Ruchi Aggarwal Vs. Sampatti Developer**  
**CC No.6185/2018**  
**PS Lahori Gate**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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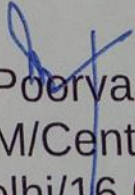
**Mohd Amir Vs. Shanti Swaroop Satija**  
**CC no.18525/2018**  
**PS Sadar Bazar**

16.05.2020

Present:- Sh. Ujjawal Puri, Ld. Counsel for applicant / accused  
connected through video conferencing through PRO.

Submissions heard. Record perused.

A list of cases U/s 138 of the Negotiable Instruments Act pending against applicant / accused has been filed. However, it is necessary that the files of all these cases be summoned to clarify the confusion with regard to issuance of production warrants. Therefore, now, Ahlmad of the concerned court is directed to produce the case record of the related files before the court on **18.05.2020**.

  
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Duty MM/Central/THC  
Delhi/16.05.2020

State Vs. Sahil Chaudhary @ Tiger  
FIR no.83/2020  
PS Kotwali

16.05.2020

Present:- Ld. APP for the State.  
Sh. Shadman Ahmed Siddiqui, Ld. Counsel for applicant  
through video conferencing through PRO.

Reply to the application received. Submissions heard.


It has been submitted by the IO that documents of the concerned scooty could not be verified by him as same have not been furnished by applicant. Same has been denied by Ld. Counsel for applicant.

Heard. Record perused.

Now, clarifications are hereby sought from the IO as Ld. Counsel for applicant has submitted that applicant has already furnished documents of the concerned scooty to the police as the same are lying within the scooty.

Now, IO is directed to file his clarifications on this issue on

18.05.2020.

  
(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020



16.05.2020

Present:- Ld. APP for the State.  
Sh. Anil Kumar, Ld. Counsel for applicant /accused  
connected through video conferencing through PRO.

Present matter is fixed for consideration of bail application filed on behalf of applicant / accused Ram Vinay Sahu seeking "Default Bail" U/s 167 (2) and 437 Cr.PC. It has been submitted by Ld. Defence Counsel that accused is in judicial custody since 14.03.2020 and charge-sheet in this case has not been filed despite the duration of 60 days as mandated by law being over. Further, it has also been submitted by Ld. Defence counsel that "Default Bail" is the indefeasible right of accused in custody and has accrued to him due to default of investigation agency. It has also been pleaded that accused is the sole bread earner of the family and being young man supports his wife and minor children.

Reply to the said application has been submitted by the IO on the previous date. It has been submitted that accused has been arrested on the abovestated date where only zero number FIR has been filed against him. It has also been stated that accused is the resident of District Gumala, Jharkhand, PS Basiya. Further no reasons as to the delay on filing of the charge-sheet has been submitted.

Heard. Perused. Section 167(2) proviso (a) reads as follows:  
(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time,

authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that, –

(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding, –

- (i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;
- (ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;

(b) xxx

(c) xxx

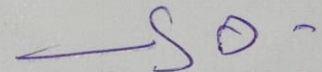
The abovestated statutory provision provides that in case during investigation the accused person is detained in custody for a total

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period exceeding 60 days where investigation relates to an offence punishable with imprisonment for a term less than 10 years, accused shall be entitled to statutory bail known as "Default Bail" in vernacular. The law lays down that accused shall become entitled to the abovesaid remedy if he files an application for bail and furnishes bail bonds in this regard. This court finds support for its view from judgment of the Hon'ble Madras High Court in a case titled as "**Settu Vs. The State**" date of decision 08.05.2020, CRL. OP (MD.No.5291 of 2020).

Given the abovestated facts and circumstances, this court is of the considered view that the right of accused seeking "Default Bail" has been vested in the accused on completion of statutory period of 60 days within which police failed to file the charge-sheet. Therefore, this court deems it fit that accused Ram Vinay Sahu be granted statutory bail subject to furnishing personal bonds to the tune of Rs.20,000/- subject to satisfaction of the Jail Superintendent, given the present circumstances that we are facing in light of COVID-19 pandemic and guidelines being issued by the Hon'ble High Court of Delhi.



(Poorva Mehra)  
Duty MM/Central/THC  
Delhi/16.05.2020

Metropolitan Magistrate  
Delhi

