

FIR No. 045081/19  
State Vs. Imran Hashmi  
PS I.P. Estate

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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. Nishant Kaushik, Ld. Counsel for applicant/accused.

Pursuant to directions issued on 27.10.2020, status report under the signatures of Addl. Superintendent, Central Jail No.10, Rohini is received and perused.

As per the report of Addl. Superintendent, Central Jail No.10, Rohini, accused Imran Hashmi was released on interim bail for a period of 45 days vide order dt. 12.04.2020 passed by Court of Sh. Dev Saroha, Ld. Duty MM.

Heard. Record perused.

Counsel for applicant/accused submits that the charge-sheet has already been filed in the present case and there is no likelihood that if applicant/accused is admitted on bail, he will jump over the bail or will tamper with the evidences. With these submissions, prayer has been made for enlarging the applicant/accused on regular bail.

Ld. APP for the State has opposed the present application stating that this is the third regular bail application moved on behalf of the accused without establishing any change in circumstance, therefore, same deserves to be dismissed.

The perusal of the record would reveal that the first regular bail application moved on behalf of applicant/accused was dismissed on 05.02.2020 and the second regular bail application was dismissed on 31.03.2020. The perusal of such orders would reveal that the earlier applications were dismissed after keeping in view the fact that there existed an apprehension that the accused is released on bail, he will commit the similar offences or will dissuade material prosecution witnesses given his previous criminal antecedents. However, admittedly, the accused was subsequently enlarged interim bail vide order dt. 12.04.2020, which has been extended from time to time and till date. It is undisputed that during the

period of interim bail, the accused has not indulged in any offences nor has attempted to approach any of the prosecution witnesses to intimidate them. Further, the accused has also not misused his liberty in any other way and there does not exist any apprehension that if accused is granted regular bail, he will flee away from the process of law or that his presence will not be secured during the course of trial. The charge-sheet has already been filed in Court and the trial of the case will take considerable time on account of present Pandemic situation. Therefore, in the light of these changed circumstances, this is Court is of the firm view that accused Imran Hashmi deserves to be admitted on regular on bail. Accordingly, applicant/accused Imran Hashmi is ordered to be admitted on regular bail on furnishing personal bonds in the sum of Rs.15000/- with one surety of like amount each to the satisfaction of concerned Ld. Duty MM (as per duty roster).

Application stands disposed off.

Scanned copy of this order be sent to the Ld. counsel for applicant through email.

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

RISHABH  
KAPOOR

Digitally  
signed by  
RISHABH  
KAPOOR

Date:  
2020.10.29  
17:06:56  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

State Vs. Ali Hussain  
FIR no. 180/20  
PS I.P. Estate

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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 applicant/accused  
IO/ASI Sandeep Singh in person.

The present application was received through email. Scanned copy of reply under the signatures of IO/ASI Sandeep Singh is also received through email. Copy stands supplied to Ld. LAC for applicant, electronically.

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

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that the custodial interrogation of the applicant/accused is no more required, nor any recovery is left to be effected from him. It is further averred that co-accused Rafiq Ali had also been granted bail by this Court on 21.09.2020. It is further averred that the case of applicant/accused is not covered in any of the directions given by High Powered Committee till date and as such, he is seeking regular bail. 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.

Upon query made by Court, IO submits that the investigation of the case has completed and the charge-sheet has already been prepared.

In the present case, the applicant was arrested for the offences u/s 380/457/511/34 IPC. As per reply filed by IO/ASI Sandeep Singh, the accused Ali Hussain alongwith accused Rafiq Ali, was caught red handed from the spot with the alleged case property. Admittedly, co-accused Rafiq Ali has already been enlarged on bail. The investigation of the case has also been finalized and as per the IO, the

charge-sheet has already been prepared. It is not the case of prosecution that if admitted on bail, the accused will indulge in similar offences or will threaten the prosecution witnesses. As the recovery of the case property has already been effected from in the present case, coupled with the fact that the co-accused Rafiq Ali has already been enlarged on bail and the role of applicant/accused in the alleged offences is not greater than the co-accused Rafiq Ali, therefore, the applicant/accused also deserves to be admitted on bail on the ground of parity. 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 the investigation purposes. Even otherwise also, the presence of the accused during the course of remaining investigation, if any, as well as during trial can be ensured by taking sufficient sureties undertaking to ensure his presence. If so, in these 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) 1SCC 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 accused/applicant Ali Hussain 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.20,000/- each*, to the satisfaction of *Ld. Duty MM (as per duty roster)*.
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 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](mailto: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**

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:05:49  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

FIR No. 148/19  
PS Rajender Nagar  
Preeti Anand Vs. State (Govt. of NCT of Delhi)

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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. Rajeev Talwar and Sh. Amulya Dhingra, Ld. Counsel for applicant/accused.

IO/Inspector Parveen in person.

Scanned copy of reply under the signatures of IO/Inspector Parveen is received through email. Copy stands supplied to counsel for applicant, electronically.

Heard. Record perused.

After advancing arguments on the application, Ld. Counsel for applicant submits that he has been informed that in SLP vide diary no. 23367/2020, Hon'ble Supreme Court has stayed the order dt. 20.10.2020 passed by Hon'ble High Court of Delhi in WP (C) 3037/2020 qua directions for surrender of accused persons who have been admitted on interim bail. Ld. Counsel for accused further submits that he wishes to withdraw the present application with a liberty to seek the bail, if required.

An email regarding the above submissions has also been sent by Ld. Counsel for applicant, through email id of this Court. Print out of same be tagged with the present application.

In view of the submissions made by Ld. Counsel, the present application stands dismissed as withdrawn. The applicant shall be at liberty to move the Court for seeking of bail, if so advised.

Application stands disposed off.

Scanned copy of this order be sent to the Ld. counsel for applicant through email.

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

**RISHABH  
KAPOOR**

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:05:08  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

Letter no.F.4/SCJ-4/AS(UT)/2020/11166 dt. 28.10.2020  
FIR No. 200/17  
PS I.P. Estate

29.10.2020

Present: Ld. APP for the State.

The present letter no.F.4/SCJ-4/AS(UT)/2020/11166 dt. 28.10.2020 under the signature of Superintendent, Central Jail No.4, Tihar is received through email. Same is perused.

As per the report, in compliance of order dt. 26.10.2020 passed by this Court, accused Mohd. Ashad was asked to provide his new address, if any, whereafter he submitted in application in writing stating the same two addresses which have already been found not verified.

Copy of application addressed by the accused to concerned Jail Superintendent is also perused.

The perusal of same would reveal that the accused has mentioned his two addresses in the application. However, as per the earlier report, said addresses of accused have been found to be not verified. Accordingly, as the accused Mohd. Ashad has already been ordered to be released on personal bonds after reviewing the bail order dated 29.08.2020 in terms of guidelines issued by Hon'ble High Court of Delhi in matter of D.M. Bhalla Vs. State WP (C) No. 3465/2010 and the verification of the address of the accused appears to be necessary for securing his presence during the course of trial, therefore, further review of said bail order is not possible. Accordingly, concerned Jail Superintendent is hereby directed to release the accused as and when he furnishes the personal bonds in the sum of Rs.10000/- each with is correct and verified address.

The Ahlmad is directed to make the endorsement with red ink in the case record that accused has been granted bail alongwith date of order and also that despite review of the condition of bail order, accused could not be released from custody due to non verification of his correct address. The relevant entries of above facts be also made in the relevant register in compliance of directions of Hon'ble High Court of Delhi in case title as Ajay Verma Vs. Govt. of NCT of Delhi WP (C) No. 10689/2017.

These papers be tagged with relevant case file for record.

One copy of this order be sent to concerned Jail Superintendent through all permissible modes including email at [daksection.tihar@gov.in](mailto:daksection.tihar@gov.in) , for necessary information and compliance.

Copy of this order be also sent to Computer Branch,THC, for uploading on Delhi District Courts Website.

RISHABH  
KAPOOR

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:04:46  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

e-FIR No. 024022/20

PS I.P. Estate

State Vs. UP 14DP 6955 (through applicant Sanjay Kumar Saraogi)

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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 in person.

IO/HC Gurdeep Singh in person.

The present application was filed through email. Scanned copy of reply under the signature of IO/HC Gurdeep Singh is received through email. Copy stands supplied to counsel for applicant, electronically.

Heard. Record perused.

This order shall dispose off application for release of vehicle UP 14DP 6955, moved on behalf of applicant Sanjay Kumar Saraogi.

In reply received under the signatures of IO/HC Gurdeep Singh, it has been stated that the vehicle bearing no. UP 14DP 6955 has been recovered in connection with the present case FIR and same is registered in the name of applicant Sanjay Kumar Saraogi. IO has stated that the investigation qua the vehicle is complete and he has no objection, if same is released on superdari.

The applicant has sent the scanned copy of RC of vehicle and copy of his Adhar Card for the purposes of identity.

On perusal of the report of IO and documents appended with the application, the applicant Sanjay Saraogi prima facie appears to be the person entitled for custody of vehicle in question.

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

1. Vehicle in question be released to applicant/registered owner only subject to furnishing of indemnity bonds as per the valuation of the

vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.

2. IO shall prepare detailed panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.

3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.

4. The photographs should be attested and counter signed by the complainant/applicant and accused.

5. IO is directed to verify the RC and insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

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

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

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:08:13  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

RISHABH KAPOOR  
KAPOOR

FIR No. 222/20  
PS Rajinder Nagar  
State Vs. Unknown (through applicant Mohd. Chand)

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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.

None for applicant.

IO/SI Krishan Pal in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Krishan Pal is also received through email. Copy already stands supplied to applicant, electronically.

This order shall dispose off the application for release of mobile phone Redmi 8A DUAL on Superdari, moved on behalf of applicant Mohd. Chand.

In reply received from SI Krishan Pal, it is stated that the mobile phone in question has been recovered from possession of accused during investigation in connection with the present case FIR. It is further stated that the aforesaid FIR was registered on the complaint of applicant Mohd. Chand. IO has stated that the applicant is the owner of mobile phone in question and police has no objection, if mobile phone in question is released to applicant.

For the purposes of identity applicant has sent scanned copy of bill/invoice of mobile phone and copy of his adhar ID card.

As per the report of IO/SI Krishan Pal, since the investigation with respect to mobile phone in question is already complete, therefore, no useful purpose shall be served in further detaining it in the police custody.

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 the Redmi 8A DUAL mobile phone be released to the applicant / owner subject to the following conditions:-

1. IO shall verify the original bill/invoice of mobile phone in question from the concerned vendor from whom applicant has

purchased the mobile phone in question.

2. If applicant is found to be rightful owner of the mobile phone in question, it be released to him only subject to furnishing of indemnity bond as per its value, to the satisfaction of the concerned SHO/ IO subject to verification of documents.

3. IO shall prepare detailed panchnama mentioning the colour, IMEI NO., ownership and other necessary details of the mobile phone.

4. IO shall take the colour photographs of the mobile phone from different angles and also of the IMEI number of the mobile phone.

5. The photographs should be attested and counter signed by the complainant/applicant and accused.

IO/SHO is directed to comply with this order within 3 days of receiving the same.

The application is accordingly disposed off.

Scanned copy of this order be sent to applicant and IO/SHO concerned, electronically for necessary compliance.

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

RISHABH  
KAPOOR

Digitally  
signed by  
RISHABH  
KAPOOR

Date:  
2020.10.29  
17:08:38  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

FIR No. 189/2014  
PS Rajinder Nagar  
State Vs. Sharad @ Kandi

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**  
**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.  
IO/Inspector Parveen 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 Inspector Parveen, is received through email id of the court. Copy of same is already supplied to LAC of 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 Sharad.

It is stated that the applicant is undergoing judicial custody since 15.11.2019 in the present case It is further stated that the applicant accused was already granted bail in the present case but he could not appear before the Court as he was in judicial custody in some other matter, therefore, the NBWs were issued against him and he was arrested and sent to JC. It is averred that the case of accused is not covered any guidelines issued by the High Powered Committee till date as such and he is seeking regular bail. With these averments prayer is made for enlarging applicant on bail.

The present application is opposed stating that there is an apprehension that if enlarged on bail, the accused will indulge in other crimes and will not appear for trial.

Heard Record perused.

The perusal of the case record would reveal that accused/applicant was arrested in the present case after execution of NBWs 15.11.2019, admittedly, the charge-sheet has been filed in the present case and the matter is pending trial. There is no cogent material on record justifying the apprehension of prosecution that if

enlarged on bail, accused will commit offences of like nature or will dissuade the prosecution witnesses. Further, keeping in view the fact that the Courts are functioning in restricted way due to Covid-19 Pandemic, there is a likelihood that 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. Further, the purpose of issuing NBWs against accused was not punitive but to secure his attendance and as such when his attendance is secured, I am of the view that no useful purpose shall be served in keeping him behind the bars. Even otherwise also, the presence of the accused during the course of remaining trial can be ensured by taking sufficient sureties undertaking to ensure his presence. If so, in these 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 and more particularly, taking into account

the period of custody of accused, this Court is of the firm view that there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant Sharad @ Kandi is hereby ordered to be enlarged on bail, subject to furnishing personal and surety bonds in the sum of Rs.10000/- each, to the satisfaction of concerned Ld. Duty MM (as per duty roaster).

The application is accordingly disposed off.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy of this order be also sent to concerned Jail Superintendent through all permissible modes including email at [daksection.tihar@gov.in](mailto: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.

Digitally  
signed by  
RISHABH  
KAPOOR  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:07:39  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

e-FIR No. 000262/20

PS I.P. Estate

State Vs. Not known (through applicant Saiyad Mohmmad Arish)

**29.10.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**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 with Sh. Prakash Jha, Ld. counsel.

IO/HC Jaswinder Singh in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/HC Jaswinder Singh is also received through email. Copy already stands supplied to applicant, electronically.

This order shall dispose off the application for release of mobile phone NOKIA 61 on Superdari, moved on behalf of applicant Saiyad Mohmmad Arish.

In reply received from HC Jaswinder Singh, it is stated that the mobile phone in question was recovered during the investigation in the present case FIR. It is further stated that IO has verified about ownership of the mobile phone from concerned seller and same was found to be sold to one Nakul Gupta. It is further stated in the report that said person, namely, Nakul Gupta has sold the said mobile phone in question to applicant, who is the authorized owner of the same. IO has stated that the applicant is the owner of mobile phone in question and police has no objection, if mobile phone in question is released to applicant.

Perusal the copy of FIR would reveal that the FIR was registered on the complaint of applicant Saiyad Mohmmad Arish. For the purposes of identity applicant has sent scanned copy of bill/invoice of mobile phone and copy of his adhar ID card.

On perusal of the report of IO and copy of the FIR, it emerges that the applicant Saiyad Mohmmad Arish prima facie appears to be the person entitled for custody of mobile phone in question. As per the report of IO/HC Jaswinder Singh, since the investigation with respect to mobile phone in question is already complete, therefore, no useful purpose shall be served in further detaining it in the

police custody.

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 the NOKIA 61 mobile phone be released to the applicant / owner subject to the following conditions:-

1. IO shall verify the original bill/invoice of mobile phone in question from the concerned vendor from whom the mobile phone was purchased.
2. If applicant is found to be rightful owner of the mobile phone in question, it be released to him only subject to furnishing of indemnity bond as per its value, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
3. IO shall prepare detailed panchnama mentioning the colour, IMEI NO., ownership and other necessary details of the mobile phone.
4. IO shall take the colour photographs of the mobile phone from different angles and also of the IMEI number of the mobile phone.
5. The photographs should be attested and counter signed by the complainant/applicant and accused.

The application is accordingly disposed off.

Scanned copy of this order be sent to applicant and IO/SHO concerned, electronically for necessary compliance.

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

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:07:21  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**

e-FIR No.000170/20  
PS Rajender Nagar  
State Vs. Gaurav Yadav

29.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

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. Atul Chaturvedi, Ld. Counsel for applicant/accused.

SI Dharmendra Singh on behalf of IO/HC Dharampal.

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 SI Dharmendra Singh, is received through email id of the court. Copy of same is already supplied to counsel for applicant/accused, through email.

This order shall dispose off the application for grant of bail moved on behalf of applicant/accused Gaurav Yadav.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the recovery effected from the accused is planted one. It is further averred that the applicant is the young aged person and is having responsibility to look after is old mother. With these averments, prayer is made for grant of bail to accused.

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 involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No.Cd-rn-000161/20 u/s 379/34 IPC, FIR No.Cd-rn-000162/20 u/s 379/34 IPC, FIR No.Cd-rn-000163/20 u/s 379/34 IPC, FIR No.Cd-rn-000166/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000171/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000173/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000168/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000169/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000174/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000170/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000172/20 u/s 379/411/34 IPC, FIR No.Cd-rn-000167/20 u/s

379/411/34 IPC, FIR No. Cd-rn-000176/20 u/s 379/34 IPC all at PS Rajinder Nagar, FIR No. 0842/19 u/s 379/411/34 IPC, FIR No.002074/19 u/s 379/411 IPC, FIR No.0130/20 u/s 25/54/59 Arms Act all at PS Nihal Vihar, FIR No. OD-PCE-000759/20 u/s 379 IPC PS Paschim Vihar East, FIR No. Cd-dbg-000246/20 u/s 379/411/34 IPC, FIR No. Cd-dbg-000113/20 u/s 379/411/34 IPC both at PS DBG Road, FIR No. CD-PN-000221/20 u/s 379 IPC and FIR No. CD-PN-000223/20 u/s 379 IPC both at PS Parsad Nagar. 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. Counsel for applicant through email. One copy be also sent to IO/SHO concerned for necessary information.

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

RISHABH  
KAPOOR

Digitally  
signed by  
RISHABH  
KAPOOR  
Date:  
2020.10.29  
17:06:34  
+0530

**(Rishabh Kapoor)**  
**MM-03(Central),THC,Delhi**  
**29.10.2020**