

State Vs. Anil
FIR No.146/2020
PS Rajender Nagar

07.07.2020

Present: Ld. APP for State (through VCC over Cisco Webex)

Sh. Manjeet Mathur Ld. Counsel for applicant/accused (through VCC over Cisco Webex)

IO/ASI Daryao Singh (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application at 1:14 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

In furtherance of directions issued through email dated 06.07.2020, Scanned copy of reply has been sent by IO/ASI Daryao Singh, through the email id of the court.


This order shall dispose of the regular bail application u/s 437 Cr.PC., moved on behalf of **applicant/accused Anil.**

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the no recovery has been effected from the applicant/accused. It is further averred that the applicant/accused has two minor children to look after. 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.

It is informed that the involvement of applicant/accused in case FIR No.139/2020 and case FIR No. 141/2020, both at PS Rajender Nagar, was disclosed during the investigation of the present case.

On perusal of the scanned copy of previous conviction/involvement report received along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused/applicant Anil has


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been shown to have complicity in respect of case FIR No.284/2004 u/s 379/411 IPC, case FIR No. 103/2004 u/s 379 IPC, case FIR No.188/2004 u/s 379 IPC, all at PS Naraina and case FIR No.532/2015 u/s 380/411/34 IPC at PS Ranjit 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 Anil. Accordingly, the present application deserves dismissal and same is hereby dismissed.

Scanned copy of this order is being sent to Sh. Atma Ram(Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant/accused electronically and also for compliance.

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



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
07.07.2020

State Vs. Arvind (Bail Application.)

FIR No.330/2020

u/s 420/468/471 IPC

PS IP Estate

07.07.2020

Present: Ld. APP for State (through VCC over Cisco Webex)

Sh. Hem Vashisht Ld. Counsel for applicant/accused (through VCC over Cisco Webex)

IO/SI Naveen Kumar (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application at 2:02 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

No reply is filed.


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

It is averred that the applicant/accused has been admitted on interim bail for period of 45 days vide orders dated 27.05.2020 and prayer is made for confirmation/extension of interim bail granted to applicant/accused.

Scanned copy of order dated 27.05.2020 passed by Court of Sh. Gaurav Sharma, Ld. Duty MM , is perused. The perusal of same reveals that applicant/accused Arvind Sharma, has been admitted on interim bail for a period of 45 days in view of directions issued in W.P No. 1/2020 in RE: Contagion of Covid-19 Virus in Prisons and also in W.P(C) 2495/2020 in matter of Shobha Gupta Vs. Union of India and subsequent orders dated 23.03.2020.

*At this juncture, it is pertinent to mention here that **In W.P (C) 3080/2020 titled as Court On Its Own Motion Vs. Govt. of NCT of Delhi & Anr.**, vide order dated 22.06.2020, Hon'ble High Court of Delhi has extended the interim bails granted in view of recommendations of HPC and on the basis of orders in W.P(C) 2495/2020 in matter of Shobha Gupta Vs. Union of India, for a period of 45 days from the date of their respective expiry.*

In view of the above, as vide orders dated 22.06.2020 passed by Hon'ble High Court of Delhi, the interim bail granted to applicant/accused has already been extended for further period of


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45 days from date of its expiry, therefore no specific orders qua its extension are required to be passed by this court.

Application is accordingly, disposed off.

Scanned copy of this order is being sent to Sh. Atma Ram(Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant/accused electronically and also for compliance.

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


(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

07.07.2020

State Vs. Arvind (Superdari Application.)

FIR No.330/2020

u/s 420/468/471 IPC

PS IP Estate

07.07.2020

Present: Ld. APP for State (through VCC over Cisco Webex)

Sh. Hem Vashisht Ld. Counsel for applicant/accused (through VCC over Cisco Webex)

IO/SI Naveen Kumar (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application at 2:02 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

The present application is moved on behalf of applicant Arvind Kumar Sharma seeking release of vehicle bearing no.DL-8CAE-0550, on superdari.

In furtherance of directions issued through email dated 06.07.2020, Scanned copy of reply has been sent by IO/SI Naveen Kumar, through the email id of the court.

Heard. Record perused.

In reply filed by IO/SI Naveen Kumar, it is stated that the vehicle in question bearing no, DL-8EA-0550 was purchased by the applicant/accused Arvind Sharma by obtaining sanction of loan from Complainant Bank SBI, ACGR Building Branch, IP Estate, on the basis of fabricated PAN Card Number. The objections qua release of vehicle are raised stating that the applicant/accused has not obtained bank clearance or no dues certificate, from complainant bank, till date.

Upon query made by the Court, Counsel for applicant concedes that the applicant has not paid the outstanding loan amount sanctioned to him by the complainant bank.

IO/SI Naveen Kumar further submits that the R/C of the vehicle in question bears the hypothecation in favour of the complainant bank.

In such circumstances, as the complainant bank is having the hypothecation of vehicle in question, accordingly issue notice to complainant SBI, ACGR Building Branch, IP Estate, though

Arvind Sharma
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its Manager, for filing reply, if any to the present application on 13.07.2020 by 10:00 AM through email id of the court i.e mm03centraldistrict.tishazari@gmail.com.

Accordingly, **Put up for consideration on 13.07.2020 at 2: 00 PM through VCC over Cisco Webex application.**

Ld. APP for State, Ld. Counsel for applicant, complainant and IO be joined for hearing of the matter at scheduled time.

Scanned copy of this order is being sent to Sh. Atma Ram(Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant electronically and also for compliance.

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


(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

07.07.2020

State Vs. Bablu & Anr.

FIR No.120/2020

u/s 392/411/34 IPC

PS I.P Estate

07.07.2020

रिशभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी
Metropolitan Magistrate
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

Present: Sh. Vakil Ahmad, Ld. APP for State (through VCC over Cisco Webex)

Sh. Deepak Chaudhary Ld. Counsel for applicant/accused (through VCC over Cisco Webex)

Matter is heard through VCC over CISCO Webex Application at 12:01 PM.

The present urgent application was filed on behalf of the applicant on email id of this court on 06.07.2020. Same is taken up for hearing through VCC in view of Circular No. 6797-6899/CMM/Central/DR/2020 dated 29.06.2020.

In furtherance of directions issued through email dated 06.07.2020, Scanned copy of reply has been sent by IO/SI Mohit Asiwat, through the email id of the court.

Naib Court PS I.P Estate, has telephonically submitted that IO/SI Mohit Asiwat has sought exemption from appearance through VCC, citing official exigencies. Same is granted in view of reason aforesaid.

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

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is a 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 applicant is sole bread earner of his family having an old and ailing mother to look after. It is further averred that applicant is suffering from a long term illness requiring treatment under supervised medications. With these averments prayer is made for enlarging applicant on bail.


In reply filed, the application is opposed citing seriousness of allegations. Hence, prayer is made for dismissal of the present application.

(Signature)
07/07/2020

In the present case, the applicant was arrested for the offences u/s 392/411 IPC. As per reply filed by IO/SAI Mohit Asiwai, the recovery of alleged mobile phone has already been effected from the applicant/accused, in the present case. It is also not disputed that applicant/accused is the first time offender having no previous criminal antecedents. As the recovery of the case property has already been effected from the accused, coupled with the fact that the accused has never been involved in any of the offences, and as such is having clean previous antecedents, therefore, there does not exist any apprehension that if enlarged on bail, he will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for 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 the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) 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 Bablu is hereby ordered to be enlarged on bail, subject to following conditions;

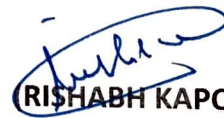

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1. That the applicant shall furnish personal and surety bonds in the sum of **sum of Rs.20,000/- each**, to the satisfaction of **Ld. Duty MM (on court duty)**.
2. That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
3. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
4. That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
5. That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
6. That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed of.

Scanned copy of this order is being sent to Sh. Atma Ram (Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant and also for sending it to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

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



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

07.07.2020