


B. A. No. 3263 (New B. A. No. 1734)
FIR No. 517/2020
PS: Wazirabad
State Vs. Jai Prakash @ Raj
U/s 376 IPC

01.12.2020 at 4 pm


It emerges that vide previous order, it was directed that legible copies of the documents at page 4,5,& 6 of the annexures with the application be filed or else true typed copies. Neither legible copies are forwarded nor true typed copies are filed of the same. Office reports that when contacted telephonically for the same Ld. Counsel submitted that the legible copies are not available. It is not forthcoming as to why true typed copies are not filed. Applicant is at liberty to forward true typed copies of the said annexures within two days failing which the documents which are illegible shall not be considered for the purposes of disposal of present application. For orders put up on 5.12.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.12.2020

B. A. No. 1831
FIR No. Not Known
PS: Burari
State Vs. Vinod

01.12.2020

No time left as roster bails of two link Courts were being heard. For
orders put up tomorrow, 2.12.2020 at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
01.12.2020

FIR No. 74/2020
PS: Maurice Nagar
State Vs. Alim
U/s 356/397 IPC

01.12.2020

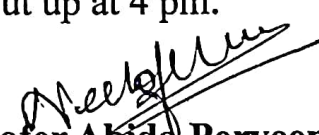
Fresh application received. Be registered

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh.Vineet Kumar, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Alim in case FIR No. 74/2020.

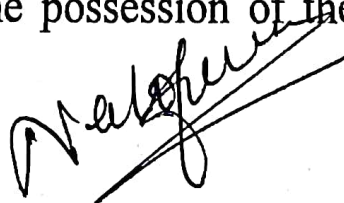
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Alim in case FIR No. 74/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case and accused-applicant has nothing to do with the present offence. That the accused-applicant is in JC since 13.10.2020 without any reason. That nothing has been recovered from the possession of the accused-applicant. That the



first bail application of the accused-applicant was dismissed by Ld. MM, Delhi on 18.11.2020. That accused-applicant has clean antecedents and has no previous involvement in any case. That co-accused Nazakat Ali has already been granted bail.

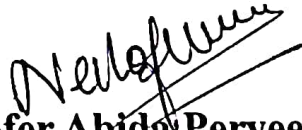
Ld. Addl. PP submits that the accused-applicant is a habitual offender and does not have clean antecedents. That accused has previous involvement in similar cases of snatching and does not deserve any leniency from the Court.

Heard.

As per case of the prosecution, accused-applicant and co-accused Nazakat Ali were arrested in the present case on 13.10.2020 and from the possession of accused-applicant one stolen mobile phone make Samsung A-50S in respect whereof FIR No. 614/2020 is registered at PS Shalimar Bagh was recovered and from the possession of accused Nazakat another stolen mobile phone make LG G7 Plus was recovered pertaining to FIR No. 833/2020 PS Noida Sector 49, Distt. Gautam Budh Nagar, UP. The motorcycle used in the commission of the robbery in the present case is traced to co-accused Nazakat, and the mobile phone in the present case FIR is not recovered either from the possession of accused-applicant or at his instance. Besides disclosure recorded in custody no other material is alleged against the accused-applicant in the present case FIR. Under such circumstances therefore the present application is allowed and regular bail is granted to accused Alim in case FIR No. FIR No.74/2020 subject to his furnishing personal bond with two sureties in the sum of Rs. 10,000/- each, one being local surety, to the satisfaction of the Ld. Trial Court upon



verification of addresses, and upon the conditions that he shall mention the mobile phone number to be used by him in the Bond, which mobile phone number it shall be ensured by him is kept on switched mode throughout with location activated and shared with the IO at all times. That the accused-applicant shall not leave the territorial limits of NCR Region without the prior intimation to the IO. That he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he 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/her/them from disclosing such threats to the Court or to any police officer or tamper with the evidence. That accused and sureties shall not change their mobile phone numbers and verified addresses without prior intimation to the IO. Application stands disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
01.12.2020

FIR No. 246/20
PS Kamla Market
State v. Santosh Kumar
Bail Application No.1886

01.12.2020

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing).


Sh.Sanjeet Kumar, Counsel for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This application is put up before this Court as Ld. Presiding Officer is on leave today.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Santosh Kumar in case FIR No. 246/2020.

Arguments heard. Put up for orders at 4 p.m.


(Neelofer Abida Perveen)
Link ASJ (Central)THC/Delhi
01.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Santosh Kumar in case FIR No. 246/2020.



Ld. counsel for the accused-applicant has contended that the accused-applicant is maintaining his ten members of his family from income of photography at India Gate New Delhi. That the applicant/accused has been falsely implicated in the present FIR. That accused-applicant is not named in the FIR. That accused-applicant is innocent. That accused-applicant is the sole bread earner for his family. That younger brother of the is bed ridden and receiving treatment from RML Hospital. That nothing incriminating has been recovered from the accused-applicant. that accused-applicant is falsely implicated in the present FIR which clear from the fact that the police station was at distance of 500meters from the alleged place of incident however the complainant went to his home and thereafter made the complaint. That infact it is the the accused-applicant who suffered injuries due to the accident that took place due to negligence of the complainant and only to save himself from process of law, the complainant got registered the present FIR as an afterthought. That accused-applicant has clean antecedents and has no previous involvement.

Ld. Addl. PP submits that the accused-applicant alongwith co-accused committed robbery against the complainant who is the driver of a TSR. That they boarded the TSR of the complainant robbed him of his purse and mobile phone and forced him out of the TSR subjecting him to beatings and ran away with the TSR. That the accused was found under treatment in the hospital as the TSR thereafter turned turtle. That co-accused is yet to be arrested. There is no previous involvement alleged

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against the accused-applicant.

Heard.

The incident as per the statement of the complainant occurred at around 11.30 pm on 8.10.2020 and the FIR is registered at around 9 am on 9.10.2020. Case of the prosecution premised upon the statement of the complainant is that on 8.10.2020 at around 23.30 hrs the accused-applicant alongwith another offender who is yet is to be apprehended boarded the TSR of the complainant and asked him to drop them near Kali mata mandir and upon reaching there further asked him to take them in the backside lane and there one of them caught hold of his hair and slapped him and the other took out his mobile phone , purse RC of the vehicle from his pocket and kicked him outside the auto and then drove away with the same. He called the owner of the auto to apprise him about the same and from there went to his home in Trilokpuri. Police arrived at the spot on the receipt of PCR call and contacted the complainant on his mobile phone from which the PCR call was made as the complainant was not found at the spot when the police arrived there. The complainant informed that he has reached his home and shall come to the police station to make the statement.


As per the reply filed the accused-applicant was found under treatment at Lady Harding Hospital and that during the investigation, a call was received from Lady Harding Hospital that one person is admitted who got injured in accident of a TSR. Complainant also reached the hospital and identified the accused-applicant at the hospital. It is alleged that the

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accused-applicant thereafter confessed to the robbery and disclosed the name of the co-accused as David and also revealed that when they were running away with the TSR it lost its balance and turned turtle. It is contended on behalf of the accused-applicant that the complainant was driving the TSR in a rash and negligent manner and hit the accused-applicant pedestrian and thereafter falsely implicated him. The police received intimation from Lady Harding Hospital about one injured in an auto accident which was found to be the accused-applicant. The prosecution would have to prove the accusations in the course of trial and the accused his defence, at this stage it is pertinent that investigation qua accused-applicant is complete, that all recoveries stand effected, moreover, the accused-applicant has no previous involvement in any kind of criminal case and no purpose is to be served by keeping the accused-applicant incarcerated any further taking into consideration that the trial is likely to take some time to conclude in the prevailing situation arising from the outbreak of Covid -19 pandemic. Under such circumstances and upon such considerations the application is allowed and regular bail is granted to accused Santosh in case FIR No. ²⁴⁶ ~~3~~⁹²/2020 subject to his furnishing personal bond with two sureties in the sum of Rs. 10,000/- each, one being local surety, to the satisfaction of the Ld. Trial Court upon verification of addresses, and upon the conditions that he shall mention the mobile phone number to be used by him in the Bond, which mobile phone number it shall be ensured by him is kept on switched mode throughout with location activated and shared with the IO at all times. That the accused-applicant

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shall not leave the territorial limits of NCR Region without the prior intimation to the IO. That he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he 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/her/them from disclosing such threats to the Court or to any police officer or tamper with the evidence. That accused and sureties shall not change their mobile phone numbers and verified addresses without prior intimation to the IO. Application stands disposed of accordingly.


(Neelofer Abida Perveen)
Link ASI (Central)THC/Delhi
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B. A. No. 2630 (New B. A. No. 1439)

FIR No. 13/2020

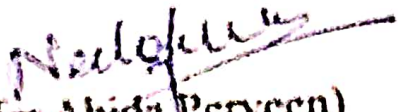
PS: Burari

State Vs. Shamshad

U/s 376/506/34 IPC

01.12.2020 at 4 pm

**No. time left as roster bails of two link Courts were also taken up today.
For orders, put up on 2.12.2020.**


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
01.12.2020

B. A. No. 1722
FIR No. 204/2020
PS: Roop Nagar
State Vs. Mohan Singh Chamola
U/s 409/420/467/468/471/34 IPC


01.12.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Rajeshwar Singh, Counsel for accused-applicant (through video conferencing)
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Mohan Singh Chamola in case FIR No. 204/2020.

Ld. counsel for the accused-applicant submits that another application was filed on behalf of accused-applicant by another counsel under some misconception and now the same has been withdrawn and arguments have already been heard in the present application.

For orders, put up at 4 pm.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
01.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Mohan Singh Chamola in case FIR No. 204/2020.



Ld. counsel for the accused-applicant contended that the accused- applicant was arrested by the police on 06.10.20120 in the present case FIR at the instance of the complainant, a sleeping partner of the firm in which the accused-applicant is merely an employee and was working on the directions and instructions of the employers and has been unnecessarily dragged into this dispute which is pertaining to the affairs of the Firm inter se the partners with no role of the accused-applicant. That the applicant-accused was the employee of M/s. Chaudhary Chemical Industries, Jaipuria Mill Complex, Clock Tower, Subzi Mandi, Delhi-110007 as a supervisor / clerk and served the said firm upto 27th June 2020 with very sincerely and full devotion with unblemished record, he served the firm for about more than 42 years (since 1978). That even before and after the registration of the case, the investigating officer has called the applicant- accused time and again and the applicant- accused joined the investigation before the concerned IO and on his instructions on 06.10.2020 submitted his specimen signatures. That the applicant-accused had joined the investigation as and when required by the investigating officer moreover the report from CFSL has not yet been received by the investigating agency and therefore the custodial interrogation of the applicant-accused is not required as the whole case is based on documentary evidence. That vide order dated 03.11.2020 passed by the Hon'ble Court of Delhi at New Delhi in Bail Application No.3341/2020 of Dinesh Chaudhary who is the co accused in the present FIR has been granted bail on the basis of a settlement as the matter has been settled with the co-accused Dinesh Chaudhary and his father Naresh Lal Chaudhary vide memorandum of settlement cum understanding dated 21.10.2020 and now in



view of the settlement nothing survives in the matter. That the investigation of the case has already been completed and the accused -applicant is no more required for the purposes of investigation. That the accused-applicant is innocent and has clean antecedents. That there is no apprehension of absconding from the course of trial and tampering with the prosecution evidence if the accused-applicant is admitted to bail.

Ld. Addl. PP on the other hand submitted that the accused-applicant has actively participated in the commission of the offence and was responsible for the siphoning of the material of the firm clandestinely from the firm and the sale thereof in the open market by the co-accused, payments for which at times were collected by the accused-applicant. That the offences are non compoundable in nature. That accused-applicant has not come with clean hands by filing two separate applications through different counsels by changing his name. That the investigation of the case is at initial stage and relevant documents are being collected and statements of relevant witnesses are also being recorded. That as per the investigation conducted so far, it has been found that accused Mohan Singh Chamola is the active member of the conspiracy of accused Naresh Lal Chaudhary and Dinesh Chaudhary and Tara Chand Talwar and equally responsible for above offence of cheating, forgery and criminal breach of trust and embezzlement of alleged amount. The accused Mohan Singh Chamola sold the maximum goods on forged bill books and sometimes accused Mohan and sometimes accused Tara Chand collected the payment from the parties and also sometime accused Dinesh Chaudhary and sometime accused Naresh Lal Chaudhary collected the payment from the parties and they distributed the

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cheated money between them.

Heard.

The present FIR was registered on the written complaint of Ms. Meena Chaudhary Sharma, alleging that she is sleeping partner of M/s Chaudhary Chemical Industries, and that Mohan Singh Chamola was working in above firm at Delhi and taking care of all the stocks of the company at Delhi and Bahalgarh Factory, in addition to labour work and later on he was entrusted to maintain the stocks of the chemicals including Sulphuric acid and he was instructed to deposit and reconcile the stocks of the firm at Delhi office. He was also handed over the charge of documents, cash and lock and key of the almirah and premises. That the complainant inspected the stock registers, bills, challans, etc at Delhi office as well as Bahalgarh godown and found mismatch of stocks and when Mohan Singh Chamola was confronted with the documents, he failed to give satisfactory response. Later on since 23.06.2020, alleged Mohan Singh Chamola left his job from Chaudhary chemical industries Bahalgarh Godown. That on further enquiry, it was found that Mohan Singh Chamola along with his associates was doing cheating and misfeasance of her firm goods since last about 15 years, due to which firm suffered heavy losses. That Mohan Singh Chamola falsely prepared expenditure accounts booklets, reflecting bogus payments by way of payments vouchers to fictitious persons. That the alleged persons committed theft of Sulphuric Acids, got prepared forged bill books and embezzled approximately more than Rs. 1.75 Crores. Furthermore certain blank forged invoice challans and some forged invoice



bills duly filled were also recovered from the Bahalgarh office, but most of the challans recorded in the gate register of the entry of entry and exit, but their actual accounting was missing in the main bill books, as these goods were illegally sent out from Godown through the vehicles of firm and even some challans were not entered in the gate register. That Mohan Singh Chamola willfully joined the services of their business rival Sh. Dinesh Chaudhary, proprietor of Manikaran Fine Chemicals, Nathupura, District Sonipat, Haryana, son of one of the partners.

During investigation Mohan Singh Chamola, named in the complaint was arrested on 06.10.2020 and his disclosure recorded in custody wherein he named partner of firm Sh. Naresh Lal Chaudhary and his son Dinesh Chaudhary @ Cheetu and co-worker Tarachand Talwar as his co-conspirators with whose connivance and active involvement forged Challan cum bill books were got prepared in the name of Chaudhary Chemical Industries and started selling Chemical by using forged bill leaves and distributed the alleged received amount between them and the accused persons made various vouchers showing false entries of expenses and used the alleged amount for their personal use in place of depositing in account of firm. Chemical was sent in the name of various false distributors from the Godown and amounts were embezzled by them, and false entries of expenses in expenditure registers were made in this regard. The accused persons in connivance with each other dishonestly and secretly sent Chemicals and drums & jerrycans from Bahalgarh Godown of above firm to Manikaran Fine Chemicals, Nathupura, whose proprietor is

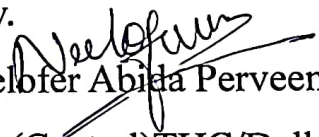
A handwritten signature in black ink, appearing to be 'N. Singh', with a long horizontal stroke underneath.

co-accused Dinesh Chaudhary @ Chitu with the vehicles of Firm Chaudhary Chemical Industries and thereby caused loss to the industry to the tune of about Rs. 8-10 crore in the last fifteen years. Some forged challan cum bill leaves of Chaudhary chemical industries were also recovered from the possession of accused-applicant Mohan Singh Chamola and seized.

The accused-applicant is only an employee of the Firm, all acts and omissions attributed to him are as an employee on the directions of the employer, co-accused Naresh Lal Chaudhary, the brother of the complainant and the managing partner of the Firm, the complainant being a sleeping partner thereof. The main accused who is alleged to be the prime beneficiary of the conspiracy and the mastermind, the son of the managing partner of the Firm, has already been granted regular bail. The case of the accused-applicant is at a much better footing than that of the co-accused granted regular bail in this case moreover, the FIR is a fallout of a dispute pertaining to the affairs of the Firm inter se the partners who are brother and sister and there has been a settlement arrived at in respect thereof inter se the said partners. Under such facts and circumstances extending also the benefit of parity, the present application is allowed and accused Mohan Singh Chamola is granted regular bail in case FIR no.204/2020, subject to his furnishing personal bond with one surety in the sum of Rs. 20,000/- each, to the satisfaction of the Ld. Trial Court/Duty MM and upon the conditions that he shall mention the mobile phone number to be used by him in the Bond, which mobile phone number it



shall be ensured by him is kept on switched mode throughout with location activated and shared with the IO at all times. That he shall cooperate in every manner possible with the ongoing investigation, and shall scrupulously appear on each and every date of hearing before the court in the course of Trial so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he 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/her/them from disclosing such threats to the Court or to any police officer or tamper with the evidence. That accused and sureties shall not change their mobile phone numbers and verified addresses without prior intimation to the IO. Application stands disposed of accordingly.


(Neelofur Abida Perveen)
ASJ (Central)THC/Delhi

01.12.2020