

B. A. No. 2897
FIR No.263/2020
PS: Civil Lines
State Vs. Mukhtar Alam
U/s 379/411/34 IPC

15.10.2020


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

Sh. Vinay Modi, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Mukhtar Alam in case FIR No. 263/2020.

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

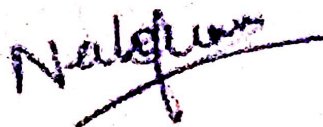

(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
15.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Mukhtar Alam in case FIR No. 263/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That co-accused have already been released on bail. That there is no question of the accused trying to abscond to Bihar as the accused-applicant has surrendered before the Court on 25.09.2020. That accused-applicant has nothing to do with the alleged offence.



and that the complainant infact had failed to identify the photo of the accused-applicant but is forced by the police to close their case to falsely identify him as one of the offenders That accused-applicant is only an auto driver and is the sole bread earner for his family. That accused-applicant is innocent and has clean antecedents and has no previous criminal record.

Ld. Addl. PP, on the other hand submitted that accused-applicant has played an active role in commission of offence alongwith his co-accused and robbed the complainant of his wallet containing money and his ATM. Accused-applicant with his co-accused had withdrawn money from the account of the complainant and made purchases using ATM Card of the accused-applicant. That accused-applicant has been identified by the complainant during TIP proceedings. That accused-applicant does not have permanent place of abode in Delhi.

Heard.

Case of the prosecution is that on 16.06.2020 at about 6 pm complainant was present at bus stand on Shyamnath Marg, near Gate no. 4 Kashmere Gate Metro Station and was waiting for bus when the accused-applicant came upto him asking for money to enable him to go to Fulwari Sharif, Bihar, upon which the complainant told him (accused-applicant) that if he had to go to Bihar, he should go to Railway Station, to board train for Bihar. Complainant had walked towards Shamnath Marg where co-accused Jahiruddin met him and asked the complainant to help the accused-applicant. Thereafter complainant walked towards Ludlo Castle School and both the accused followed him and asking for money for food. Thereupon complainant took out his purse and handed over Rs.100/- to the accused-applicant and kept his purse in his bag but forgot to zip up his bag and when the complainant was drinking water, co-


Neelofar

accused took out his purse from the bag of the complainant containing Rs.4500/-, ATM card and Adhar Card and they both fled away from the spot and after sometime, complainant received message on his phone regarding withdrawal of Rs.10000/- two times, for withdrawal of Rs.5000/- once and shopping of Rs.5360/- at Fashion Complus. The complainant in the meanwhile had sought the assistance of the Police on patrolling duty the police contacted the shopkeeper and asked the shopkeeper to detain the persons who had made purchase of Rs.5360/-. Police alongwith the complainant reached the shop and arrested two of the offenders, accused-applicant however was not found present in the shop and is named in the disclosures recorded of the co-accused. Accused-applicant surrendered in the Court on 24.09.2020 and thereafter his TIP was conducted in course whereof complainant identified him as one of the offenders.

The identification made by the complainant is disputed by the Ld. Counsel for the accused-applicant submitting that the IO had shown the photograph of the accused-applicant to the complainant, and the complainant had failed to identify but was compelled by the police official to identify the accused-applicant as one of the offenders in the Court. The accused-applicant has clean antecedents and the investigation in the case is stated to be now complete though chargesheet is yet to be filed. Taking into consideration the nature of the allegations, the period of custody and the clean antecedents of the accused-applicant, as the investigation is now complete and the custody of the accused-applicant is not required for the purposes of investigation any longer, the application is allowed and accused Mukhtar Alam is granted regular bail in case FIR No. 263/2020 subject to his furnishing personal bond with one local surety in the sum of Rs. 20,000/- each to the satisfaction of the Ld. Trial Court/ Duty MM and upon the condition that he shall mention the mobile phone

Mukhtar Alam

number to be used by him in the bond which number it shall be ensured by him is kept on switched on mode at all times with location activated and shared with the IO, he shall not leave the territorial limits of NCR Delhi without prior intimation to the IO, and in the event that he leaves the territorial limits after due intimation he shall intimate the destination address to the IO, and shall get his presence marked on the 1st day of every month at the local Police Station thereof, he shall scrupulously appear on each and every date before the Ld. Trial Court and shall not delay or defeat the Trial, nor interfere in the proceedings in any manner whatsoever, he shall not threaten, intimidate, influence witnesses nor tamper with evidence in any manner whatsoever. The surety shall also mention the mobile phone number in the bond and shall intimate the IO in the event of change of address or mobile phone number. Application stands disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.10.2020

B. A. No. 2930
FIR No. 004826/2017
PS: Roop Nagar
State Vs. Prem Pal
U/s 379/411 IPC

15.10.2020

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

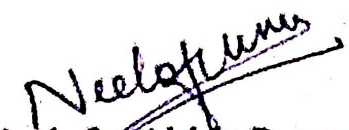
Sh. Pranay Abhishek, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is second application under Section 439 CrPC for grant of bail on behalf of accused-applicant Prempal in case FIR No.04823/2020.

Ld. counsel for the accused-applicant submits that inadvertently the date of arrest has been incorrectly mentioned in the application as 23.09.3030 instead of 23.09.2020 and as such same may be read as "23.09.2020". It is ordered accordingly.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.10.2020

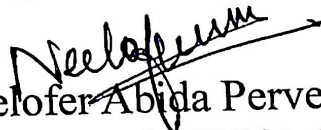
Contd....

At 4 pm

Present: None

At the time of passing of orders it has come to notice that the application filed is incomplete without the prayer clause and signatures of the Ld. Counsel, in both, as received on the email ID as also filed physically.

In view thereof for further proceedings put up on 16.10.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
15.10.2020

B. A. No. 2807
FIR No. 132/2020
PS: Subzi Mandi
State Vs. Manish @ Hauwa
U/s 188/392/397/411 IPC

15.10.2020


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

Sh. Jitender Chaudhary, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is third application under Section 439 CrPC for grant of bail/interim bail moved on behalf of accused Manish in case FIR No. 132/2020.

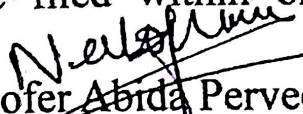
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
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At the time of dictating the order it transpired that though the sole ground on which concession of bail is being claimed is the ground of parity as co-accused has already been granted bail, however the bail order of co-accused is not annexed with the application, in order for the Court to appreciate the contention raised.

Bail Order sought to be relied upon be filed within one week. For consideration, put up on 23.10.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
15.10.2020