

FIR No. 160/2020
State Vs. Munna Shiekh
PS I.P. Estate

17.08.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

Present: Ld. APP for the State.
Ms. Shalu Yadav, Ld. Counsel for accused/applicant.
IO/HC Sanjay Sharma.

The present application was filed through email. Scanned copy of the reply of IO is received through email. Copy already stands supplied to counsel for applicant, electronically.

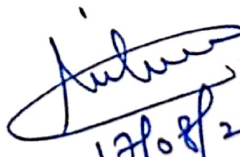
Heard. Record perused.

This order shall dispose of the bail application u/s 437 Cr.P.C. moved on behalf of applicant/accused Munna Shiekh.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the accused is having two minor children to look after and as such has no involvement in the present case. 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 previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in five case FIRs involving offences under NDPS Act. Besides, the investigation in the present case is still not complete and chargesheets is yet to be filed in the


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present case. In such circumstances and keeping in view, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, there exists no ground to enlarge the accused on bail.

Accordingly, the present application deserves dismissal and same is hereby dismissed.

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

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



(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
17.08.2020

FIR No. 138/18
State Vs. Rahul @ Badal
PS I.P. Estate

17.08.2020

(Through Video Conferencing over Cisco Webex Meeting)
Case taken up in view of directions issued by Hon'ble High Court of
Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

Present: Ld. APP for the State.

Sh. Zia Afroz, Ld. Counsel for applicant.

The present application was filed through email.

Ld. APP for the State submits that no reply is intended to be filed

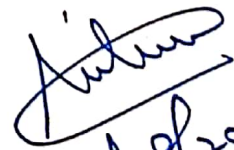
and he will straight away advance arguments on the present application.

Heard. Record perused.

This order shall disposed of the application for cancellation of NBWs and restoration of previous bail bonds, moved on behalf of applicant Rahul @ Badal. It is averred on behalf of applicant that he was could not appear before the Court during the course of case proceedings as he was lodged in Judicial custody in connection with case FIR No. 566/19 PS Mohan Garden. It is averred that the default in appearance on the part of applicant was neither intentional nor willful. With these submissions, prayer is made for cancellation of NBWs issued against the applicant/ accused with a further prayer restoration of the previous bail bonds.

Ld. APP for the states submits that the applicant shall not be released on bail as he willfully defaulted in appearance during case proceedings, which has led to wastage of judicial time.

On perusal on the main case file, it emerges that the applicant/accused Rahul @ Badal was admitted on bail on 13.09.2018 and the bail bonds were furnished by him on 14.09.2018. As per the record, on 13.08.2019 when the matter was listed for arguments on charges, the NBWs were issued against applicant/ accused owing to his non appearance before the Court. The record further suggest that the surety bonds furnished by the accused were not


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forfeited by the Court. Besides, the perusal of order dt. 07.03.2020 would further reveal that upon receipt of report qua detention of accused in jail no.4, Tihar in connection with case FIR No. 566/19 PS Mohan Garden, the production warrants qua the accused/applicant were issued by this Court. At this juncture, it is peritent to mention that the issuance of NBWs against accused was not an punitive action rather to secure his attendance. The default on the part of accused in appearing before the Court on relevant date also appears to be non deliberate and due to his detention in connection with the case FIR No. 566/19 at PS Mohan Garden. Further, as the charge-sheet in the present has already been filed and there is no other material on record to the extent that if released from custody, the accused will flee away from process of law or will disuade the prosecution witnesses. In such circumstances, the prayer made on behalf of applicant/accused Rahul @ Badal is accepted and NBWs issued against him stands cancelled. The previous bail bonds furnished on behalf of accused, are restored.

Let concerned Jail Superintendent be directed to release the accused, if his custody is not required in any other process of law.

Application is accordingly disposed off.

Scanned copy of this order be sent to counsel for applicant/accused and Jail Superintendent concerned through email.

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


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
17.08.2020

FIR No. 12296/2020
State Vs. Lalit Kumar (through Applicant Ankit Malik)
PS Rajender Nagar

17.08.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

Present: Ld. APP for the State.
Applicant Ankit Malik in person.
IO/HC Ravinder Singh.

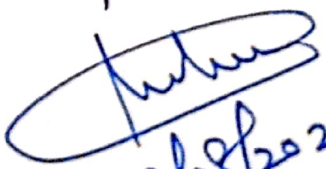
The present application was filed through email. Scanned copy of reply under the signature of IO/HC Ravinder Singh is already on record. In compliance of directions issued on 14.08.2020, the applicant has now filed the copy of NOC of his brother qua release of vehicle in question, in applicant's favour through email.

Heard. Record perused.

This order shall dispose off application for release of vehicle DL 10SD 8754, moved on behalf of applicant Ankit Malik.

In reply received under the signatures of IO/HC Ravinder Singh, it has been stated that the vehicle bearing no. DL 10SD 8754 has been recovered in connection with the present case FIR and same is registered in the name of Sh. Pawan Malik. IO has stated that the investigation qua the vehicle is complete and he has no objection, if same is released on superdari.

Applicant Ankit Malik submits that the vehicle in question has been registered in the name of his deceased father late Pawan Malik, who has unfortunately died on 11.05.2020. The applicant further submit that apart from him, deceased late Pawan Malik is survived by his other son, namely, Ankur Malik, who is having no objection qua release of vehicle in question, in applicant's favour. In support of such assertions, the applicant have also filed copy of the NOC issued by his brother Ankur Malik.


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The applicant has sent the scanned copy of RC of vehicle and copy of his Adhar Card for the purposes of identity. The applicant has also sent the copy of the death certificate of late Pawan Malik.

On perusal of the report of IO and documents appended with the application as well as the copy of NOC filed by the applicant, the applicant Ankit Malik 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 CrI. 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 is directed to verify the NOC dt. 14.08.2020 purportedly, issued by Sh. Ankur Malik (brother of applicant) and also take possession of its original, which shall be filed alongwith charge-sheet. Needlessly, the vehilce be released to applicant only subject to verification of the aforesaid NOC.
3. IO shall prepare detailed panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
4. 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.
5. The photographs should be attested and counter signed by the complainant/applicant and accused.

6. 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 applicant and IO concerned through email.

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



(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
17.08.2020

FIR No. 143/20
State Vs. Yogesh @ Yash
PS I.P. Estate

17.08.2020

(Through Video Conferencing over Cisco Webex Meeting)
Case taken up in view of directions issued by Hon'ble High Court of
Delhi vide office order No. 322/RG/DHC/2020 dt. 15.08.2020.

Present: Ld. APP for the State.
Sh. Kamran Haider, Ld. Counsel for accused/applicant.
IO/SI Mohit.

The present application was filed through email. Scanned copy of the reply of IO is received through email. Copy already stands supplied to counsel for applicant, electronically.

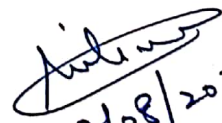
Heard. Record perused.

This order shall dispose of the bail application u/s 437 Cr.P.C. moved on behalf of applicant/accused Yogesh @ Yash.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that no recovery has been effected from the accused and the recovery which has been shown from the possession of accused is planted one. 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 previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No.110/18 u/s 392/397/34 IPC & u/s 25/27 Arms Act PS Seelampur, FIR No. 351/20 u/s 356/379/411/34 IPC PS Shastri Park, FIR


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No. 012491/20 u/s 379/411/34 IPC PS Gandhi Nagar and case FIR No. 452/20 u/s 25/54/59 Arms Act and u/s 411 IPC PS Bharat 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.

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

One copy be sent to Computer Branch, THC for uploading on

Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
17.08.2020