

State V/s (1) Rakhi (Sister-in-law),
(2) Maya Devi (Mother-in-law),
(3) Rajeev Rathore (Brother-in-law)
and (4) Sumita (Cousin sister-in-law)
FIR No.127/2020
P.S. Sadar Bazar
U/s. 498A/304B/34 IPC

08.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

These are four separate applications u/s. 437 Cr.PC for grant of regular bail moved on behalf of applicants/ accused persons namely Rakhi, Maya Devi, Rajeev Rathore and Sumita.

Present : Ld. APP for the State (through V.C).

Mr. Dharendra Singh, Ld. Counsel for applicants/accused persons has joined meeting through Cisco Webex.

Separate replies of all the four applications already filed electronically. Copies thereof already supplied to the Ld. Counsel for applicants/ accused persons electronically.

Vide this common order, all these four bail applications are being disposed off together as they arise out of the same FIR.

Arguments on all the four bail applications heard. Replies perused.

It is submitted by Ld. Counsel for applicants/ accused persons that it was second marriage between deceased Meenu and co-accused Sanjay Rathore, who is already arrested in this case & is presently in judicial custody. It is further submitted by Ld. Counsel for applicants/ accused persons that applicants/ accused persons are innocent and have been falsely implicated in the present case. It is further submitted by Ld. Counsel for applicants/ accused persons that all these applicants/ accused persons are having clean antecedents and have not been previously involved in any other case. It is further submitted by Ld. Counsel for applicants/ accused persons that applicants/ accused persons belong to respectable families and have deep roots in the society. It is further submitted by Ld. Counsel for applicants / accused persons that applicants/accused persons are permanent residents of the given addresses and they have always joined the investigation as & when called by the investigating agency and none of them was arrested during investigation of the case. It is further submitted by Ld. Counsel for applicants/ accused persons that applicants/ accused persons have been charge-sheeted for the offences

punishable u/s. 498A/304B/34 IPC without arrest. Hence, Ld. Counsel for the applicants/accused persons prays for grant of regular bail to them.

It is further submitted by Ld. Counsel that applicant/accused Maya is a senior citizen aged about 65 years. It is further submitted that she being the only female member in the family is required to look after the children of her son/co-accused Sanjay Rathore, who is presently in judicial custody.

It is further submitted by Ld. Counsel that applicant/accused Rakhi is the sister-in-law of deceased Meenu, who was already married much prior to the day of marriage of accused Sanjay Rathore and Meenu and she seldom visited her parental home & she has nothing to do with the alleged offence.

It is further submitted by Ld. Counsel that applicant/ accused Rajeev Rathore is the brother-in-law of deceased Meenu and is the sole bread earner of the family. It is further submitted by Ld. Counsel that applicant/ accused Rajeev Rathore's name is not even mentioned in the complaint filed by the brother of the deceased.

It is further submitted by Ld. Counsel that applicant/ accused Sunita is a widow and is not directly related to co-accused Sanjay Rathore since she is wife of cousin brother of Sanjay Rathore. It is further submitted by Ld. Counsel that applicant/ accused Sunita has a separate residence and has nothing to do with the family of the deceased.

It is further submitted by Ld. Counsel for the applicants/ accused persons that there are no specific allegations against the applicants/ accused persons in the complaint made by the brother of deceased and all the allegations levelled against the applicants/ accused persons are vague and general in nature. It is further submitted by Ld. Counsel for the applicants/ accused persons that investigation in the present matter has already been completed since the charge-sheet has already been filed. It is further submitted by Ld. Counsel for applicants/ accused persons that in the complaint filed by the brother of the deceased, nowhere it is mentioned that demand of dowry was ever made by any of the applicants/accused persons at any point of time. Ld. Counsel for the applicants/ accused persons has also relied upon the judgment passed by the Hon'ble High Court of Delhi reported at 2004(1) JCC 308 wherein it has been held that whenever an accused is not arrested by police/ investigating agency during investigation till filing of charge-sheet and is summoned by the Court then he has a strong case of being granted bail by the Court before which charge-sheet is filed by the investigating agency.

Thus, it is prayed by Ld. Counsel for applicants/ accused persons that they shall be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the reply of IO shows that during course of the investigation, statements of witnesses were recorded u/s 161 Cr.PC, wherein they specifically alleged that the deceased was mentally and physically tortured by the accused persons Sanjay, Maya Devi, Rajeev, Sunita and Rakhi for the demand of dowry. It is stated that the accused were demanding Rs.2 Lakhs as dowry and a complaint was filed by the deceased before the CAW Cell/North prior to her death.

The present bail applications are vehemently opposed by Ld. APP for the State on the ground that the allegations against the applicants/accused persons are grave and serious in nature. It is further submitted by him that the deceased had filed a complaint before the CAW Cell regarding dowry demands made by the applicants/ accused persons before her death. It is further stated that the anticipatory bail application filed by the applicants/ accused persons was dismissed by the Ld. Sessions Court on 03.12.2020. It is further submitted that investigation is at its initial stage and hence, bail should not be granted to the applicants/ accused persons and carefullly perused the record in light of submissions made before me.

Investigation in the present case has been completed and charge-sheet has been filed without arresting the applicants/ accused persons. The applicants/ accused persons have always joined the investigation as and when called by the investigating agency. Since IO did not opt to arrest the applicants/ accused persons during the entire investigation and the investigation has already been completed, this court does not find any necessity to keep the applicants/ accused persons in custody during trial. In view of aforesaid, the applicants/ accused persons are admitted to bail subject to furnishing of personal bonds in the sum of Rs.25,000/- each with one surety each of like amount, to the satisfaction of the Ld. Duty MM as per prevailing duty roster, subject to the following conditions:-

1. That the accused persons shall join investigation as and when called.
 2. That the accused persons shall attend the Court as per conditions of
- bond to be executed.



3. That the accused persons shall not commit similar offence and.
4. That the accused persons shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.

Accordingly, the present applications are disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020

State V/s Mohd. Nayyar Alam
FIR No.348/2020
P.S. Sadar Bazar
U/s. 457/380/411/34 IPC

08.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mohd. Nayyar Alam S/o Sh. Yasin Bakshi.

Present : Ld. APP for State (through V.C).

Mr. M.K. Gahlaut and Mr. Varun Jain, Ld. Counsels for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused has no role in the present offence. It is further submitted that applicant/accused is the sole bread earner of his family. It is further submitted that investigation of the case has been completed hence further custody of the accused is not required for the purpose of custodial interrogation. It is further submitted that the police officials had inflicted third degree torture upon Nauman Alam for extracting the disclosure statement on the basis of which the applicant/accused was arrested. Ld. Counsel for applicant/accused has placed reliance upon judgments of Hon'ble Supreme Court in the cases titled as **Prabhakar Tewari Vs. State of U.P. & Ors. in Criminal Appeal No. 153/2020, Arnab Manoranjan Goswami Vs. The State of Maharashtra & Ors. Criminal Appeal 742/2020 and Sanjay Chandra Vs. CBI (2012) 1 SCC 40** in support of his plea of bail in favour of applicant/accused. It is further submitted that the recovery of the stolen articles has been made from Nauman Alam and not from the applicant/accused. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the reply shows that on the during PC remand of Nauman Alam, he disclosed that he has given stolen articles i.e., one tab and two silver coins to his brother in law (Jija) who is the applicant/accused in the present case. He further disclosed that he had given Rs. 10,000/- to the applicant/accused out of his share of Rs.12,000/- which was stolen by him 35-40 days ago from Pahari Dheeraj. Consequently, his

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supplementary disclosure statement was recorded to this effect pursuant to which accused/ applicant/accused was called to PS Sadar Bazar on 05.12.2020 at around 1:00 PM vide notice u/s.160, Cr.P.C. At the beginning of interrogation, the applicant/accused refused receiving case property, however, upon sustained interrogation, he disclosed that he had received a Samsung Tab and two silver coins from Nauman Alam which were consequently recovered at his instance. It is further stated that the applicant/accused did not give a satisfactory explanation regarding Rs.10,000/- allegedly given to him by Nauman Alam at an earlier occasion.


Ld. APP for the State has opposed the present bail application on the ground that case property has been recovered from the applicant/accused and primarily offence u/s.411 IPC is prima facie made out against the applicant/ accused. It is further submitted that the applicant/accused hid his involvement in the present offence during the beginning of interrogation. It is further submitted that investigation of the case is at an initial stage, hence, it is prayed that applicant/accused shall not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Case property has been recovered from the possession of applicant/accused. Furthermore, the applicant/accused also allegedly received part of stolen amount from Nauman Alam at an earlier occasion. Considering the submissions made and the circumstances that investigation of the case is still at a nascent stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

Accordingly, the present application is disposed of.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020

State V/s Md. Shahrukh
FIR No.204/2020
P.S. Sadar Bazar
U/s. 379/411 IPC

08.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Md. Shahrukh @ Salman S/o Md.Raish.

Present : Ld. APP for State (through V.C).

Mr. Nikhil Yadav, Ld. LAC for applicant/accused (through V.C).

It is submitted by Ld. LAC for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/ accused belongs to a poor family and is the sole bread earner of his family. It is further submitted that no recovery has been made from the possession of the accused and the recovery has been planted by the police. It is further submitted that even otherwise, recovery of the stolen mobile phone was effected on the day of incident itself. It is further submitted that the applicant/accused is in J/C since 27.09.2020. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of reply filed by the IO shows that the applicant/ accused was apprehended by police on the spot after he stole mobile phone of the complainant and the said mobile phone was recovered from his possession. It is further stated that applicant/ accused is a vagabond and has 6 previous involvements in criminal cases. It is further stated accused is likely to commit similar type of offences, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that case property has been recovered from the applicant/ accused. It is further submitted that accused is previously involved in 6 cases of similar nature. It is further submitted that applicant/ accused has no permanent residence in Delhi and he may abscond and threaten/ influence witnesses, if released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.



Considering the submissions made and the circumstances that applicant/ accused has already been in J/C since more than 2 months and recovery has already been effected, I am of the considered view that no purpose would be served by keeping the applicant/ accused behind bars. Hence, applicant/ accused Shahrukh is admitted to bail subject to furnishing of personal bond in the sum of Rs.15,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

1. That the accused person(s) shall join investigation as and when called.
2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.
3. That the accused person(s) shall not commit similar offence and;
4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Id. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/08.12.2020

State V/s Mohit
FIR No.323/2020
P.S. Sadar Bazar
U/s. 356/379/411 IPC

08.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mohit s/o Sh. Kamaljeet.

Present : Ld. APP for State (through V.C).

Mr. Rohit Gupta, Id. Counsel for applicant/accused has joined meeting through Cisco Webex.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that the applicant/accused is in JC since 22.11.2020. It is further submitted that no recovery has been made from or at the instance of the applicant/accused. It is further submitted that the real culprit in the present case has not been arrested. It is further submitted that the applicant/accused is a young boy aged 20 years and further detention in prison shall turn him into hard core criminal. It is further submitted that since the accused was previously involved in a similar offence, the police has falsely implicated him in the present matter. It is further submitted that the past antecedents of the applicant/accused are clean and he has not been previously involved in any other case. It is further submitted that the wife of applicant/accused is suffering from stomach disease and needs to be admitted in the hospital. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of the same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the applicant/accused was apprehended on the spot and the stolen mobile phone was recovered from his possession. It is stated that the applicant/accused has previously been involved in similar cases. It is stated that the investigation of the case is still continuing and the applicant/accused may abscond, threaten/ influence witnesses and tamper with evidence, if released on bail.

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Ld. APP for the State has opposed the bail application on the ground that the applicant/accused was apprehended on the spot by the police and case property was recovered from his possession. It is further submitted that the applicant/accused is previously involved in 3 cases of a similar nature. It is further submitted that investigation of the case is still pending and hence, it is prayed that the applicant/accused shall not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

The applicant/accused was apprehended on the spot and case property was recovered from his possession. The bail application filed by the present applicant/accused was dismissed by this Court vide order dated 28.11.2020. No change of circumstance has been pointed out by the Ld. Counsel for the applicant/accused entitling him to grant of bail. Considering the submissions made and the fact that investigation is still at its initial stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, the present bail application is hereby dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020

State V/s Suraj
FIR No. 6411/2020
PC Civil Lines
D/a. 103/104/111/14 PC

(W/O) 11/11

Under Court Order No. 1275-22303, 703 D1(HQ) Covid Lockdown/ Physical Courts Reopen/ NCR dated 23.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant accused Suraj.

Present : Ld. APP for State (through V.C.)

Mr. Soum Jha, Ld. Counsel for applicant/accused (through V.C.)

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that applicant/accused is in J.C. since 17.10.2020. It is further submitted that the accused is the sole bread earner of his family. Ld. Counsel for applicant/accused has relied upon the judgment passed by the Hon'ble High Court of Delhi in case titled as **Suresh Kalmandi Vs. CBI (Delhi), 2012 (1) JCC 734** wherein it is been reiterated that bail is the rule and committal to jail is an exception. It is further submitted that the applicant/accused did not play any role in the present offence. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the reply filed by the IO reveals that applicant/accused Suraj alongwith co-accused persons Honey and Judi stopped the TNR which the complainant was driving and accused alongwith co-accused Judi grabbed the neck of the complainant from behind and started hitting him and co-accused Honey took out the wallet of complainant from his shirt's pocket. The said wallet contained D/L, R/C and cash amounting to Rs.1200-. Thereafter, when all the applicants/accused persons tried to run away, the complainant caught hold of co-accused Honey from behind. However, the present applicant/accused and co-accused Judi ran away from the spot, pursuant to which complainant made a PCR call and wallet was recovered from the possession of co-accused Honey. At the instance of co-accused Honey, the present applicant/accused was identified by the complainant and arrested in the present case. It is further stated that co-accused Judi has not yet been traced. It is further stated that the present applicant/accused is previously involved in two other criminal cases. It is further stated that the applicant/accused may abscond, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused was arrested on the identification of the complainant. It is further stated that the applicant/ accused Suraj alongwith co-accused Judi grabbed the neck of the complainant while co-accused Honey robbed the wallet of the complainant. It is further submitted that the applicant/ accused has been previously involved in cases of similar nature. Ld. APP has further stated that further custody of the applicant/ accused is required to trace the co-accused Judi, hence, it is prayed that accused shall not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Allegations against the applicant/accused are grave and serious in nature. Co-accused Judi is yet to be arrested. Applicant/accused alongwith co-accused Judi grabbed the neck of the complainant from behind and started hitting him while co-accused Honey took out the wallet of complainant from his shirt's pocket. Thus, prima facie there is material against the applicant/accused regarding his involvement in the present case. The present FIR has been registered U/s 392/394/411/34 IPC and Section 394 IPC entails imprisonment up to life. Thus, considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the application is disposed of.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020

State V/s Mohd. Nayyar Alam
FIR No.349/2020
P.S. Sadar Bazar
U/s. 25/54/59 Arms Act

08.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mohd. Nayyar Alam.

Present : Ld. APP for State (through V.C).

Mr. M.K. Gahlaut and Mr. Varun Jain, Ld. Counsels for applicant/accused (through V.C).

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the reply shows that applicant/accused Mohd. Nayyar Alam was neither arrested nor involved in the present case.

In view of the reply filed by the IO, the bail application of the applicant/ accused is infructuous and hence, the bail application stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.12.2020