

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

FIR No. 385/20

PS: Mundka

**U/s 33/38/58 Delhi Excise Act
State Vs. Jamahar Kumar Mahto**

23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Pranay Abhishek counsel for the applicant.

By this order, I shall decide the present application for anticipatory bail moved on behalf of accused/applicant Jamahar Kumar Mahto. Facts as stated in the application are as follows:-

That according to the story of prosecution, applicant is only the registered owner of the vehicle. That co-accused Ashok Kumar who was apprehended with the country made liquor has already been granted bail by Ld. MM and the applicant was never found in possession of alleged liquor. The said vehicle was given by the applicant to Ashok Kumar as he is friend of brother-in-law of applicant. That the accused/applicant is 36 years old and has clean antecedents as he is not involved in similar kind of offence. It is therefore prayed that the application be allowed.

Ld. Additional PP for the State has opposed the application in view of reply filed by IO.

Arguments heard from both the sides. As per the submissions, the applicant is only the owner of the vehicle and has no specific role in commission of offence. Also, the co-accused who was found in possession of country made liquor has already been granted bail on 07.08.2020. Therefore, under the facts and circumstances, applicant/accused is granted anticipatory bail subject to furnishing

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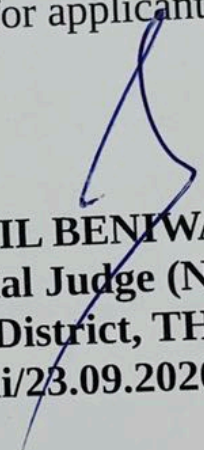
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bail bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of concerned IO and subject to the condition that he shall appear before the court on each and every date alongwith his counsel without seeking any exemption and shall not jump bail at any point of time. Accused/applicant is also directed to join the investigation as and when called by the IO.

Copy of this order be given to counsel for applicant as well as to the IO through proper channel.


(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 737/20
PS: Nangloi
U/s 420/34 IPC
State Vs. Johny & Rohit**

23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Rajesh Kumar counsel for the applicant.

By this order, I shall decide the present bail application moved on behalf of both accused/applicants Johny and Rohit. Facts as stated in the application are as follows:-

It is submitted that the applicants were arrested by the police officials of PS Nangloi and are lying in judicial custody since 07.07.2020. The applicants have been falsely implicated in the present case and have nothing to do with the alleged offence. The accused persons/applicants have already been granted bail in case FIR No. 782/20, FIR No. 684/20, FIR No. 686/20, FIR No. 687/20 and FIR No. 183/20. It is further submitted that the applicants are also discharged in case FIR No. 128/20, PS Nangloi till 30.09.2020. Both the applicants undertake that they will not misuse the concession of the bail and will abide by all the terms and conditions imposed by the court. That earlier bail application of applicants was declined by the court on 16.09.2020. It is requested that the accused persons/applicants may kindly be released on bail.

Ld. Additional PP for the State has opposed the bail application on the ground that the accused persons duped the complainant of Rs.45,000/- on the pretext of helping her in operating the ATM card for withdrawing the money. On the said pretext, the accused persons swiped her ATM card in their ATM cloning device (skimmer) and thereby collected all the relevant information including the password for withdrawing the money. During investigation, both the accused persons/applicants were arrested and from their possession, ATM cloning device (skimmer), two ATM cards and one mobile phone were

also recovered. They were correctly identified by the complainant. Following the same *modus operandi*, the applicants cheated other innocent persons and duped them of cash around Rs.3 lacs, in regard of which five FIRs were registered against them. The co-accused Rajvir is yet to be arrested.

I have heard arguments from both the sides. In this case, court is inclined to agree with submissions of Ld. APP. The applicants appear to be habitual offender. As per allegations, applicants are using technology to deceive innocent people from their hard earned money. It is submitted that in the present case also, the applicant siphoned of the entire bank balance of the complainant who is wife of poor labourer on the pretext of helping her withdrawing money from the ATM by cloning the said ATM. After the applicants were arrested in the present case, the applicants confessed their involvement alongwith other co-accused persons in several other cases of the same kind of theft and defrauding for which FIRs had already been registered. As per report of IO, applicants are involved in five other criminal cases of the same kind. Moreover, Ld. APP has submitted that one of the co-accused is still absconding and yet to be arrested. Therefore, keeping in view the submissions of Ld. APP, the present bail application is **rejected** as there is a strong possibility that applicants may threat or even harm the prosecution witnesses, on the ground that one other co-accused Rajvir is yet to be traced out and arrested, that the applicants may commit more offence of same kind or different kinds thereby threatening the society as they have several other cases pending against them.

Copy of this order be sent to counsel for applicants, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 687/20
PS: Nihal Vihar
U/s 354/376/506 IPC, 6 POCSO Act
State Vs. Sushmita @ Sushma**

23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Mukesh Rajput counsel for the applicant.

IO SI Sangeeta also present who has submitted that chargesheet has been filed in the concerned court, so matter is to be heard by the concerned court being POCSO Act. IO also submits that the reply shall be filed before the concerned court.

In view of the submissions, let the bail application be placed before the concerned court on **26.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 12/20
PS: Anand Parbat
U/s 308/323/506/34 IPC
State Vs. Madan Lal & 2. Santosh Kumar**

23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. R.P Tomar counsel for both the applicants.
Today also IO is not present.

In view of order dated 30.08.2020 of Ld. Predecessor, IO is directed to appear in person alongwith complete report, returnable for **30.09.2020**. Meanwhile, on request of counsel, interim order of interim protection to continue till next date of hearing.

Date given on request of counsel.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 951/20
PS: Nangloi
U/s 328/376D/506 IPC
State Vs. Chandra Shekhar Singh**


23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Nipun Katyal counsel for the applicant through VC.

Substitute IO SI Rohit Kumar in place of original IO appeared and submitted that neither the IO nor the prosecutrix is available for arguments on bail application. On request of counsel for applicant, issue notice to DCP concerned to ensure that the IO joins the bail arguments hearing tomorrow alongwith securing presence of prosecutrix either in person or through VC, whichever is convenient and possible.

List for arguments on **24.09.2020**.


**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 951/20
PS: Nangloi
U/s 376D/377/506/34 IPC
State Vs. Amit @ Meetu**

23.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Mr. Dev Dutt Sharma, counsel for the applicant through VC.

Substitute IO SI Rohit Kumar in place of original IO appeared and submitted that neither the IO nor the prosecutrix is available for arguments on bail application. On request of counsel for applicant, issue notice to DCP concerned to ensure that the IO joins the bail arguments hearing tomorrow alongwith securing presence of prosecutrix either in person or through VC, whichever is convenient and possible.

List for arguments on **24.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/23.09.2020**

Bail Application No. 2120/20
State Vs. Aakash
FIR No. 83/2020
PS Mundka
U/s 363/376/506 IPC

23.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Counsel for applicant Mr. Amit Kaushal.

It has been informed by the court staff that neither IO nor prosecutrix is available today. Even learned counsel wants that prosecutrix should join the arguments. In view of the same, issue court notice to IO to ensure the presence of the prosecutrix as well as of the IO whether by way of physical appearance or through videoconferencing for arguments on **26.09.2020**.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District/THC/Delhi
23.09.2020

23.09.2020

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Counsel for applicant Shri Animesh Pandit.
IO SI Sushil Kumar in person.

By this order, I shall decide the present second bail application requesting for grant of interim bail to applicant Sunny S/o Shri Nirav Prasad. Facts as stated in the bail application are as follows :

It is submitted that the applicant has been falsely implicated in the present case. It is submitted that the investigation is contrary to law. Applicant is seeking interim bail on medical grounds of illness of his wife. It is submitted that wife of applicant has been advised surgery by the doctors and her surgery is to take place on 26.09.2020. It is submitted that wife of applicant requires his help for surgery and after surgery, care. It is submitted that earlier also, interim bail was granted to the applicant for the very same surgery vide order dated 22.06.2020 but the applicant was released from the prison on 08.07.2020 and therefore, surgery could not be performed. It is submitted that bail is sought on compassionate and humanitarian ground to treat the ailing wife of the applicant. It is, therefore, requested that applicant be released on interim bail for a period of six weeks.

Learned Addl. Public Prosecutor has strongly opposed the application in view of reply submitted by the IO. It is submitted that applicant was caught in possession of a commercial quantity of narcotic substance. It is submitted that even as per the report of the concerned doctor, the wife of applicant is to undergo only a minor procedure for which she does not require any blood transfusion. It is submitted that even as per the report of the doctor, the wife of applicant does not require any

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attendant to take care after the procedure as it is a minor surgery. It is submitted that earlier also, the applicant got interim bail for the same procedure on fake medical documents issued by Dr. Gajender Kumar Nayyar, N.C Hospital. Therefore, the bail of applicant is strongly opposed.

I have heard arguments from both the sides.

The bail is being sought on medical ground of illness of wife. But as per the report of the doctor, presence of the applicant is not required for the said procedure and for care of the wife of applicant after the procedure. Applicant was allegedly caught with commercial quantity of contraband substance. Even earlier, applicant was granted interim bail for the very same purpose but now it has come on record that prescription issued by Dr. Gajender Kumar Nayyar for earlier bail, was found to be issuing on false medical prescriptions for ulterior motives and gains. Therefore, keeping in view the submissions of Ld. Addl. PP and the reply filed by the IO, the present application is rejected as in the opinion of the court, bail is not sought on genuine grounds. Moreover, IO has orally submitted that as per his verification, the wife of applicant is living with family and brother of applicant can also take care of wife of applicant during his minor procedure for which the applicant should not be granted bail. Therefore, the present interim bail application is rejected.

Copy of this order be given *dasti* to counsel for applicant through proper channels if prayed for. One copy of this order be also sent to IO/SHO, Ld. Addl. PP and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/23.09.2020^{VP}