

e-FIR No. 024258/20
P.S. Civil Lines

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

None has joined through Video conferencing on Cisco Webex.

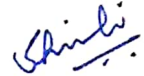
Present : Ld. APP for State (through V.C.).

None on behalf of the applicant has joined the V.C.

Since, none has appeared on behalf of the applicant, be put up on

16.12.2020.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/14.12.2020

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.
Mr. S.P. Sharma, Id. Counsel for applicant has joined the meeting through Cisco Webex.

In the present application, the applicant states that vide order dated 05.12.2020, this Court had directed the IO to release E rickshaw battery of the applicant on superdari, however, it is stated that when the applicant went to PS Civil Lines, the IO compelled the applicant to sign certain documents and showed another battery, which was very old and which did not belong to the applicant.

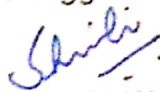
Reply of IO filed electronically. Same has been supplied to Ld. Counsel for applicant electronically. As per the reply, battery was recovered from accused Anil Kumar s/o Amar Singh pursuant to the e-FIR lodged by the complainant and the complainant was called on the spot and he pointed out and identified his battery. IO states that he has no objection in releasing the battery to its rightful owner.

However, Ld. Counsel for applicant submits that the complainant/applicant was never called on the spot and he did not identify the battery. Accordingly, Id. Counsel for applicant prays for a fresh reply to be called from IO as it is submitted by Ld. Counsel for applicant that the battery sought to be released by the IO on superdari does not belong to him.

In view of same, let notice be issued to IO concerned **to file fresh reply to the present application on 17.12.2020 (physical hearing date).**

IO is directed to appear in person before the Court on the NDOH.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/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/14.12.2020

State V/s Sumit
FIR No. 320/20
P.S. Civil Lines
U/s 392/394/34 IPC

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing on Cisco Webex.

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

Mr. Nitin Gupta, Ld. Counsel for accused (through V.C.).

IO has not filed report regarding verification of COVID 19 report of accused Sumit.

IO is directed to file report on **15.12.2020.**



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/14.12.2020

e-FIR No. 000176/20
PS – Sadar Bazar

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of mobile make HTC 526G+ on superdari filed by applicant Sh. Krishna Kumar.

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

Applicant Krishna Kumar in person alongwith Id. Counsel Sh. Prakash Singh (through V. C.).

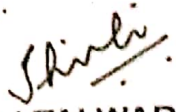
Reply filed by the IO. Same is taken on record. As per the reply, it is stated that IO has no objection in releasing the mobile phone HTC 526G+ to the applicant Krishna Kumar as it is no more required for the purpose of investigation.

The applicant has sent the scanned copy of bill of mobile phone. For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make HTC 526G+ be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/14.12.2020

e-FIR No. 315/20
PS – Sadar Bazar

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of mobile make Tecno & Cash Rs. 3000/- on superdari filed by applicant Sh. Raju.

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

Applicant Raju in person alongwith Id. Counsel Sh. Pramod

Maurya (through V.C.).

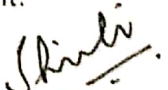
Reply on behalf of IO filed electronically. Copy of same has been sent to applicant. As per the reply, it is stated that IO has no objection in releasing the mobile phone Tecno to the applicant Raju as it is no more required for the purpose of investigation.

The applicant has sent the scanned copy of bill of mobile phone. For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**, which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make Tecno be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/14.12.2020

State V/s Rahul @ Kale
FIR No. 206/20
P.S. Sadar Bazar
U/s 356/379/511/34 IPC

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

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 Rahul @ Kale s/o Sh. Vijay.

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

Mr. Sunil Tiwari, Ld. Counsel 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 same reveals that the applicant/ accused has already been released in the present case vide order dated 11.12.2020 passed by Ld. Duty MM/Tihar Court Complex, Sh. Abhitesh Kumar.

At this stage, Ld. Counsel for applicant/accused submits that he wants to withdraw the present application.

Heard. Request stands allowed.

In view of same, let the present application stands dismissed as withdrawn. 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/14.12.2020

State V/s Mohd. Rehan & Ors.
FIR No. 204/19
P.S. Sadar Bazar
U/s 308/34 IPC

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video conferencing on Cisco Webex.

Joined through Video conferencing on Cisco Webex.

This is an application moved on behalf of applicant/accused Mohd. Furkan for release of the jamatalashi articles.

Present: Sh. Vikram Dubey, Ld. APP for the State (through V.C.)
Sh. Arvind Kumar, Ld. Counsel for applicant/accused (through V.C.)

Reply has been filed by IO HC Nishant, as per which the said FIR No. 204/19 has already been transferred to Crime Branch for further investigation.

In view of the same, the present application stands dismissed.

Copy of this order be given dasti to the applicant. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/14.12.2020

e-FIR NO. 528/20
P.S. Civil Lines
U/s 279/337/304A IPC

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

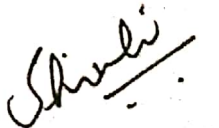
This is an application for releasing of vehicle bearing No. UP-14-EL-3840 on superdari filed by applicant/ registered owner Sh. Gyanendra Kumar Maheshwari.

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

Sh. N.K. Sharma, Ld. Counsel for applicant alongwith applicant (through V.C.).

Reply has been filed electronically, as per which the mechanical inspection of offending vehicle has been conducted, however, it is stated that due to heavy arrangement in Farmers' Protest, RC and insurance of offending vehicle could not be verified. Hence, IO seeks further time to verify the same.

In view of the same, IO is directed to verify the RC and insurance of offending vehicle and file report on **18.12.2020**.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/14.12.2020

State V/s Kunal @ Don
State Vs Ashok @ Ashu
FIR No. 342/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

14.12.2020

Vide Office Order No. 1277/22595-765 D.J(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

These are two separate applications U/s 437 Cr.P.C. for grant of bail have been moved on behalf of applicants/accused persons namely, Kunal @ Don s/o Rajender & Ashok @ Ashu s/o Rakesh Kumar.

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

Mr. Devender Kumar, Id. Counsel for both applicants/accused persons (through V.C).

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

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

Arguments on both bail applications heard. Replies perused.

It is 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 that no recovery has been made from or at the instance of any of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicants/accused persons are clean and they are not previous convicts. It is further submitted that the applicants/accused persons are in J/C since 03.12.2020 and investigation qua them is already complete and they are no more required for any custodial interrogation. It is further submitted that both the applicants/ accused persons are young boys who are labourers and sole bread earners of their respective families. It is further submitted that both applicants/ accused persons have no role to play in the present offence and have been falsely implicated in the present case by the police officials. Therefore, it has been prayed that both the applicants/ accused persons be released on bail.

Perusal of reply of IO reveals that applicants/ accused persons alongwith

Shinde

co-accused Rohit @ Shani and one CCL were apprehended in the present case on 02.12.2020 and a part of stolen amount i.e. Rs. 7500/- out of the total stolen amount of Rs. 20,600/- was recovered from their possession. It is further stated that both the applicants/accused persons have previously been involved in other theft cases. It is stated that applicants/ accused persons may abscond, threaten/ intimidate the witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has opposed the bail applications on the ground that instances of theft are wide spread in the area of PS Sadar Bazar and they need to be curbed. It is further submitted that both the applicants/ accused persons have previously been involved in cases of similar nature. It is further submitted that investigation of the case is at an initial stage and the entire stolen amount has not yet been recovered. Hence, it is prayed that applicants/ accused persons should 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.

Considering the antecedents of the applicants/accused persons and the circumstances that investigation of the case is still at an initial stage and recovery of the entire stolen amount has not yet been effected, this Court is not inclined to grant bail to both the applicants/accused persons at this stage. Hence, bail applications of both applicants/accused persons stand dismissed.

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 Civil Lines/Sadar Bazar and Ld. Counsel for the applicants. 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/14.12.2020

State V/s Dharmender
FIR No. 0508/20
P.S. Civil Lines
U/s 392/394/411/34 IPC

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.
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 Dharmender @ Dhamma s/o Sh. Rambachan.

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

Mr. Nagendra Singh, Id. 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 no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 24.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused was not present on the spot and he has no role to play in the present case and he was picked up by the police officials from his house. It is further submitted that the wife of applicant/accused is 8 months pregnant and he is the sole bread earner of his family. 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 same reveals that applicant/accused alongwith co-accused persons namely, Aman @ Manish and Suraj @ Gajni hit the complainant on her head with a danda and robbed Rs. 15,000/- from her. It is stated that the entire incident has been captured on a CCTV camera. It is further stated that the applicant/accused was

Shinde

arrested on the identification of the complainant and out of the robbed amount of Rs. 15,000/-, Rs. 3000/- was recovered from the applicant/accused. It is further stated that a wrist watch was also recovered from the possession of applicant/accused, regarding which applicant/accused disclosed that he alongwith above mentioned co-accused persons had robbed the same from a Nepali boy in another incident on 21.11.2020. It is further stated that applicant/accused alongwith above mentioned co-accused persons are habitual offenders who robs persons coming from Nepal and other places outside Delhi. It is further stated that applicant/accused has been previously involved in 6 other cases of theft, robbery and dacoity. It is further stated that above mentioned co-accused persons have not yet been traced. It is further stated that applicant/accused is an active BC of PS Civil Lines.

Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is further stated that part of the case property i.e. Rs. 3000/- out of robbed amount of Rs. 15,000/- has been recovered from the possession of the applicant/accused and the entire incident has been captured by a CCTV camera. It is further submitted that further custody of applicant/accused is required to trace out the above mentioned co-accused persons. It is further submitted that the applicant/accused is an active BC of PS Civil Lines and has previous involvement in 6 other cases of a similar nature and he may commit similar offences again, 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.

Allegations against the applicant/accused are grave and serious in nature. Recovery of a part of robbed amount has been made from the applicant/accused. Co-accused persons have not yet been traced. As per reply of IO, the entire incident has been captured on a CCTV camera. Thus, prima

facie there is material against the applicant/accused regarding his involvement in the present case. The present case has been registered u/s 392/394/411/34 IPC and Section 394 IPC is punishable up to imprisonment for life. Thus, considering the antecedents of the applicant/accused, 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 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/14.12.2020

e-FIR NO. 029906/20
P.S. Sadar Bazar

14.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. DL 10 CT 1286 on superdari filed by applicant Sh. Wajid Khan.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.

Sh. Satbir Singh, Id. Counsel for applicant alongwith applicant through V.C.

Reply filed by the IO. Same is take on record. Perusal of same reveals that wrong particulars of applicant have been mentioned by IO.

In view of same, IO is directed to file fresh/ correct reply on **15.12.2020.**

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/14.12.2020