

State V/s Rajni
State Vs Archana
FIR No. 345/20
P.S. Sadar Bazar
U/s 379/34 IPC

09.12.2020

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.

These are two separate applications U/s 437 Cr.P.C. for grant of bail has been moved on behalf of applicants/accused persons namely, Rajni and Archana.

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

Mr. Amit Kumar Kaushal, Id. Counsel for 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 both applicants/accused 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 the both applicants/accused persons 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 previously involved in any other case. It is further submitted that both the applicants/accused persons are in J/C since 02.12.2020 and investigation qua both of them is already complete and they are no more required for any custodial interrogation. It is further submitted that applicants/accused persons are females and have to look after their respective families. Therefore, it has been prayed that both the

Contd:-

Shinde

applicants/accused persons be released on bail.

Perusal of the reply filed by IO reveals that applicant/accused Rajni opened the chain of the complainant's bag, after which applicant/accused Archana took the money from her bag and co-accused Seema ran away with the money. It is further stated that complainant captured applicants/accused persons Rajni and Archana at the spot. It is further stated that name and address of both applicants/accused persons could not be verified as they did not provide any identity card and the addresses that they told were not found.

Ld. APP for the State has opposed the bail application on the ground that the case property i.e. Rs. 12,000/- has not been recovered yet. It is further submitted that co-accused Seema is yet to be apprehended and investigation of the case is at an initial stage. It is further stated that since the addresses of both applicants/accused persons could not be verified, there are chances that they may abscond, 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 serious in nature. Case property is yet to be recovered. Co-accused Seema has not been traced yet. Considering the submissions made and the circumstances that investigation is still at a nascent stage, 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)

State V/s Sahil Kapoor
FIR No. 521/20
P.S. Civil Lines
U/s 377 IPC

09.12.2020

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 Sahil Kapoor s/o Late Ashwani Kapoor.

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

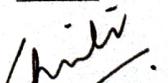
Mr. Ajay Khatana, Id. Counsel for applicant/accused (through V.C).

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 the applicant/accused is a young boy, his past antecedents are clean and he is not a previous convict. It is further submitted that the allegations in the FIR pertain to the year 2018 and 2019. It is further submitted that no injury was reported in MLC of the complainant. It is further submitted that the applicant/accused is in J/C since 26.11.2020 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 has no role to play 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 same reveals that the allegations in FIR have been corroborated by statement of victim recorded u/s 164 Cr.P.C. It is further stated that the applicant/accused has not been previously involved in any other criminal case. However, it is stated that investigation of the case is still pending.

Ld. APP for the State has opposed the bail application on the ground that allegations against the applicant/accused are grave and serious in nature. It is further submitted that allegations in FIR have been corroborated by statement

Contd:-



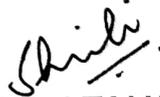
of victim recorded u/s 164 Cr.P.C. It is further submitted that no injury was reported in the MLC as the MLC was conducted more than one year after the alleged incident. It is further submitted that investigation of the case is not yet complete and the applicant/accused may threaten/ intimidate the complainant, 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. Allegation pertains to offence u/s 377 IPC which is punishable with up to imprisonment for life. Investigation is still at an initial stage. Considering the seriousness of the allegation and gravity of alleged offence, 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/09.12.2020

State V/s Sumit Kumar
FIR No. 176/20
P.S. Sadar Bazar
U/s 380/411 IPC

09.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up 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 Sumit Kumar s/o Sh. Ram Babu.

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

Mr. Anil Kumar, 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 27.10.2020 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 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 the case property i.e. stolen mobile phone has been recovered from the possession of applicant/accused. It is further stated that investigation of the case is still pending. It is further stated that the applicant/accused has been previously involved in criminal cases. It is further stated that applicant/accused may abscond, intimidate/ threaten the witnesses and tamper with the evidence, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are serious in nature and case property has been recovered from the possession of the applicant/accused. It is submitted that the applicant/accused has previous involvement in many criminal cases and he may commit similar offences again, if released on bail.

Contd:-

Shinde

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 recovery has already been effected, applicant/accused is in J/C since 27.10.2020 and applicant/accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the applicant/accused behind bars. Hence, applicant/accused 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 applicant/accused person(s) shall join investigation as and when called.
2. That the applicant/accused person(s) shall attend the Court as per conditions of bond to be executed.
3. That the applicant/accused person(s) shall not commit similar offence and;
4. That the applicant/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 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/09.12.2020

State V/s Arman Ali
FIR No. 338/20
P.S. Sadar Bazar
U/s 356/379/34 IPC

09.12.2020

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 Arman Ali s/o Sh. Usman Ali.

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

Mr. Naval Kishore, 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 29.11.2020 and investigation qua him is already complete. It is further submitted that the applicant/accused is the sole bread earner of his family and he is permanent resident of U.P. but currently residing in Delhi, hence, there are no chances of the applicant/accused absconding. It is also submitted by Ld. Counsel that no PC remand of applicant/accused has been sought by IO till date, hence, the applicant/accused is not required for custodial interrogation. 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 the applicant/accused snatched the mobile phone of the complainant from her hand while she was sitting in the auto and ran away. It is further stated that complainant caught the applicant/accused with the help of the mob. It is further stated that when the mob caught applicant/accused, the mobile phone

Contd:-

Shankar

fell from his hand somewhere and the same could not be recovered. It is further stated that applicant/ accused is not in parental control and he may abscond, if released on bail.

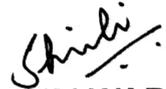
Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused was caught red handed on the spot by public persons. It is also submitted that investigation is at initial stage and even the case property has not yet been recovered. Hence, it is prayed that applicant/accused 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.

Allegations against the applicant/accused are serious in nature. Investigation of the present case is at initial stage. Case property has not been recovered yet. 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 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/09.12.2020

State V/s Taimur
FIR No. 289/20
P.S. Sadar Bazar
U/s 379/356/411/34 IPC

09.12.2020

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.

An application seeking reduction of surety amount has been moved on behalf of applicant/accused Taimur electronically.

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

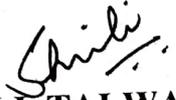
Ms. Sareeka, Ld. LAC for applicant/accused (through V.C.)

Reply to the present application has been filed electronically. Copy of same has been sent to Ld. LAC for applicant/accused electronically.

At this stage, Ld. LAC for the applicant/accused wishes to withdraw the present application.

Heard. Request stands allowed. At request of Ld. LAC for applicant/accused, the present application stands dismissed as withdrawn.

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/09.12.2020

State V/s Mukesh @ Bokha
FIR No. 515/20
P.S. Civil Lines
U/s 33 Delhi Excise Act

09.12.2020

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 Mukesh @ Bokha s/o Late Ant Ram.

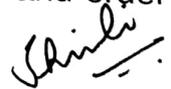
Present : Ld. APP for State (through V.C).

Mr. S.P. Sharma, Id. 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.

At request of Ld. Counsel for applicant/accused, bail application be put up for arguments on 11.12.2020.

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. 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/09.12.2020

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

09.12.2020

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 filed by the IO electronically. Copy of the same has been sent to Ld. Counsel for applicant/accused electronically.

Perusal of record reveals that the present jamatalashi application pertains to FIR No. 204/19 U/s 308/34 IPC, however, reply filed by IO pertains to FIR No. 226/20 U/s 379/411 IPC.

It is submitted by IO that inadvertently he has filed the reply in the wrong FIR.

Accordingly, IO is directed to file fresh reply to the present jamatalashi application on 10.12.2020.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/09.12.2020

FIR No. 640/20
PS – Sadar Bazar

09.12.2020

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 Vivo V-20 bearing IMEI No. 869329059100951 on superdari filed by applicant Sh. Rahul Sharma.

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

Applicant Sh. Rahul Sharma through V.C.

Reply filed by the IO. Same is taken on record, wherein it is submitted by the IO that the bill of mobile phone produced by applicant Rahul Sharma has been duly verified by him and he has no objection in releasing the mobile to the rightful owner. The mobile of make **Vivo V-20 bearing IMEI No. 869329059100951** is no more required for the purpose of investigation. 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 **Vivo V-20 bearing IMEI No. 869329059100951** 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/09.12.2020

State V/s Tazim Rehman
FIR No. 0289/20
P.S. Sadar Bazar
U/s 356/379/411/34 IPC

09.12.2020

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.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Tazim Rehman s/o Sh. Shafikur Rehman.

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

Mr. Lokesh Chandra, 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 is not previously involved in any other case. It is further submitted that the applicant/accused is in J/C since 07.11.2020. It is further submitted by Ld. Counsel that applicant/accused is a heart patient and also suffering from other problems and he remained admitted in the hospital for the purpose of his treatment. Ld. Counsel for applicant/ accused has placed reliance upon two judgments in case titled as "**Sonia Sehrawat Vs Praveen Sehrawat**" 2016 (6) LRC 129 Delhi & "**Sanjay Chandra Vs CBI**" (2012) 1 SCC 40 in support of his plea. It is further submitted that the applicant is the sole bread earner of his family and he is the permanent resident of Delhi. 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 the applicant/accused alongwith co-accused, namely, Taimur were apprehended by the police on the spot. Case property i.e. mobile phone was

Contd:-

Shirli

recovered from the possession of applicant/accused. It is further stated that complainant identified the applicant/accused and co-accused on the spot itself.

Previous involvement report has also been filed alongwith the reply by the IO, according to which no other case is pending against the applicant/accused.

Ld. APP for the State has opposed the bail application on the ground that the applicant/accused was caught red handed on the spot. It is further submitted that the case property has been recovered from the possession of the applicant/accused. It is also submitted that applicant/accused was identified by the complainant on the spot. Thus, 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.

Considering the submissions made and the circumstances that recovery has already been effected, applicant/accused is a heart patient and past antecedents of the applicant/accused are clean and the applicant/accused is no more required for any custodial interrogation, lenient view is taken against the applicant/accused and he 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 applicant/accused person(s) shall join investigation as and when called.**
- 2. That the applicant/accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the applicant/accused person(s) shall not commit similar offence and;**
- 4. That the applicant/accused person(s) shall not**

Contd:-

Shinde

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 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/09.12.2020