

State Vs. Mustak
FIR No. 263/20
PS Civil Lines
U/s 379/411/34 IPC

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

Present : Ld. APP for the State.

Sh. Nikhil Yadav, Ld. LAC for the applicant/accused.

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond.

Perusal of record reveals that this Court has already dismissed the application filed by applicant/accused for release on personal bond vide order dated 23.12.2020.

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

Heard. Request stands allowed. The present application stands dismissed as withdrawn.

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



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.01.2021

e-FIR No. 032989/20
PS Sadar Bazar
U/s 379 IPC

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

This is an application for releasing of vehicle bearing No. DL-8S-CS-8334 on superdari filed by applicant/owner Mr. Mohammad Zaki.

Present : Ld. APP for the State.

**Sh. Rakesh Kumar & Sh. Subhash, proxy Counsels for applicant
alongwith applicant in person.**

Reply filed by the IO. Same is take on record. As per the reply of IO, the above said vehicle has been recovered from accused who was arrested by police officials of PS Jafrabad vide DD No. 41A U/s 41.D &102 Cr.P.C., however, it is stated that the vehicle is currently deposited in Malkhana of PS Jafrabad and has not yet come to the Malkhana of PS Sadar Bazar.

Concerned Naib Court submits that the concerned IO will bring the vehicle to the Malkhana of PS Sadar Bazar within one or two days.

Accordingly, IO concerned is directed to file fresh reply to the present application on 08.01.2021.

Put up for consideration on the above said application on **08.01.2021.**

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/05.01.2021

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

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

Present : None for the State.

Mr. Nikhil Yadav, Ld. LAC for applicant/accused.

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond.

Perusal of record reveals that this Court has already passed an order directing release of applicant/accused on personal bond in the sum of Rs. 10,000/- to the satisfaction of Ld. Duty MM vide order dated 23.12.2020.

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

Heard. Request stands allowed.

The present application stands dismissed as withdrawn.

One copy be given to the Ld. LAC for applicant. One copy be given 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. LAC for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021

State Vs. Honey
FIR No. 431/20
PS Civil Lines
U/s 392/394/411/34 IPC

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

Present : Ld. APP for the State.

Sh. Nikhil Yadav, Ld. LAC for the applicant/accused.

An application has been moved electronically by Ld. Counsel for the applicant/accused for release of applicant/accused on personal bond stating that applicant/accused was admitted on bail by Ld. Sessions Court vide order dated 18.12.2020 and applicant/accused was directed to furnish his personal bond in the sum of Rs. 20,000/- with one local surety of like amount. It is submitted by Ld. Counsel for applicant that applicant/accused is in J/C and is unable to furnish surety due to his poor economic condition due to which he is languishing in the jail.

Reply has been filed by IO electronically. Same is taken on record. Copy of same has been supplied to Ld. Counsel for applicant/accused. IO in his reply has opposed the present application on the ground that there is a strong possibility that applicant/accused will abscond and not join the trial, if released on personal bond.

Heard. Record perused. The applicant/accused has been granted bail by Ld. Sessions Court vide order dated 18.12.2020, wherein Ld. Sessions Court has granted bail to applicant/accused subject to furnishing of personal bonds with one local surety in the sum of Rs. 20,000/-. The present case has been registered u/s 394/392/411/34 IPC. The allegations against the accused are grave and serious in nature and this Court does not deem it fit to release the applicant/accused on personal bond. Accordingly, the present application stands dismissed.

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


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021

dated 23.12.2020, the cases are being taken up for disposal.

This is an application for releasing of mobile make Oppo F11 Pro on superdari filed by applicant/ registered owner Sh. Aftab Alam.

Present : None for State.

Sh. Ravi Kumar Sharma, Ld. Counsel for applicant.

Reply on behalf of IO filed electronically. Same is taken on record. Copy of same has been sent to Ld. Counsel for applicant electronically. As per the reply, it is stated that IO has no objection in releasing the mobile phone Oppo F11 Pro to the applicant as it is no more required for the purpose of investigation.

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 **Oppo F11 Pro** 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 Ld. Counsel for 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/05.01.2021

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

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

Present : Ld. APP for State.

Mr. Sunil Tiwari, Id. Counsel for applicant/accused.

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 applicant/accused is in J/C since 19.12.2020 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 belongs to a very poor family 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 pursuant to the alleged offence, the complainant made a PCR call regarding snatching of his mobile phone and stated that the applicant/accused had snatched his mobile phone and ran away. It is further stated that applicant/accused is a BC of area of PS Sadar Bazar and has 21 previous involvements. It is further stated that one other co-accused namely, Wasim is also to be apprehended.

Ld. APP for the State has opposed the bail application on the ground that the applicant/accused is a habitual offender and has previous involvement in many criminal cases. It is further submitted that complainant disclosed the name of applicant/accused in the PCR call made by him after the alleged incident. It is



further submitted that further custody of applicant/accused is required to trace out the co-accused. It is further submitted that investigation of the case is still pending. 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.

The complainant disclosed the name of applicant/accused in the PCR call made by him after the alleged incident. This prima facie discloses the involvement of applicant/accused in the present offence. Furthermore, considering the antecedents of applicant/accused and the fact that investigation of the case is still at an initial 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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.01.2021

State V/s Rahul @ Kale
e-FIR No. 026807/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Rahul @ Kale s/o Late Vijay Kumar.

Present : Ld. APP for State.

Mr. Sunil Tiwari, Id. Counsel for applicant/accused.

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 even otherwise, recovery has already been effected in the present matter. It is further submitted that the applicant/accused is in J/C since 19.11.2020. It is further submitted that investigation qua him is already complete and no purpose would be served by keeping him behind bars. It is further submitted that the applicant/accused is young boy. 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 motorcycle has been recovered from the possession of applicant/accused and he has been previously involved in many other criminal cases. It is further stated that applicant/accused is a BC of area of PS Sadar Bazar. It is further stated that the applicant/accused may abscond, threaten/ intimidate the complainant/ witnesses and tamper with the evidence, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the case property i.e. stolen motorcycle has been recovered from



the possession of the applicant/accused. It is submitted that the applicant/accused is a habitual offender and has previous involvement in many criminal cases 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.

This Court dismissed the bail application of applicant/accused vide order dated 18.12.2020. No change of circumstance since then has been pointed by Ld. Counsel for applicant/accused, entitling the applicant/accused to be released on bail. Considering the antecedents of the applicant/accused, there is likelihood that applicant/accused may commit similar offences again, if enlarged on bail. Thus, 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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.01.2021

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

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

This is second bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Kunal @ Don s/o Late Rajender.

Present : Ld. APP for State.

Mr. Bhoj Raj, Id. Counsel for applicant/accused.

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 previous convict. It is further submitted that the applicant/accused is in J/C since 03.12.2020 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 young boy who is labourer and sole bread earner of his family. It is further submitted that applicant/ accused has no role to play in the present offence and has been falsely implicated in the present case by the police officials. Therefore, it has been prayed that the applicant/ accused be released on bail.

Reply to the present application has been filed by IO. Same is taken on record. Copy of same is sent to Id. Counsel for applicant/accused electronically. Perusal of the same reveals that on the basis of CCTV footage, applicant/accused alongwith co-accused persons, Rohit @ Shani, Ashok @ Ashu and one CCL were apprehended in the present case on 02.12.2020 and a part of stolen amount i.e. Rs. 1000/- was recovered from the possession of applicant/accused. It is stated that applicant/ accused may abscond, threaten/ intimidate the witnesses and tamper with evidence, if released on bail.



Ld. APP for the State has opposed the bail application on the ground that the applicant/ accused is a habitual offender and he has previously been involved in cases of similar nature. Hence, it is prayed that applicant/ accused 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.

This Court dismissed the bail application of applicant/accused vide order dated 14.12.2020. No change of circumstance since then has been pointed by Ld. Counsel for applicant/accused, entitling the applicant/accused to be released on bail. Considering the antecedents of the applicant/accused, there is likelihood that applicant/accused may commit similar offences again, if enlarged on bail. Thus, 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 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 P.S. Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.01.2021

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

Present : Ld. APP for the State.

Mr. Anuj Soni, Ld. Counsel for applicant has joined through V.C.

An application seeking supply of dasti copy of order dated 04.09.2020 has been moved by Ld. Counsel for applicant.

Perusal of record reveals that the application for releasing of vehicle bearing No. DL-8S-BX-4868 was allowed vide order dated 04.09.2020 and Ld. Predecessor of this Court had directed a copy of the order to be given dasti to the applicant.

Ld. Counsel for applicant submits that the applicant needs a copy of the order dasti as insurance company requires dasti copy and is not entertaining the copy of order sent electronically to him.

In view of same, the present application stands allowed. Ahlmad is directed to supply a dasti copy of order dated 04.09.2020 to applicant/ his counsel. The present application stands disposed off.

One copy of order be uploaded on CIS.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021

State Vs. Geeta
FIR No. 532/20
PS Civil Lines
U/s 20/29 NDPS Act

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

Present : Ld. APP for the State.

IO ASI Pramod Kumar Tiwari from PS Civil Lines.

Accused Geeta produced from J/C CJ-06 through V.C.

Accused Bharat produced from J/C SCJ-03 through V.C.

Let notice be issued to IO with direction to procure weighing scales alongwith photographer for the NDOH.

Notice be also issued to MHC(M) to produce the entire seized case property for the NDOH.

Production warrants be issued against both the accused persons namely, Geeta and Bharat for the NDOH. **The concerned Jail Superintendent is directed to produce both the accused persons physically before the Court on the next date of hearing.**

Put up on **11.01.2021 (physical hearing day).**


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021

State Vs. Vinay
FIR No. 111/9
PS Sadar Bazar
Case No.14951/19
U/s 279/338 IPC

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up physically today.

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

Mrs. Snehlata, Ld. Counsel for applicant/ accused through V.C.

Three separate applications have been moved on behalf of applicant/accused for cancellation of superdari of vehicle bearing no. DL-3C-AQ-4525, release of his driving license and release of his RC which are attached with the case file.

Perusal of case file reveals that original RC is not a part of judicial record and only a photocopy of RC is available on the judicial record.

At this stage, Ld. Counsel for applicant seeks an adjournment.

Heard. At request, put up for **11.01.2021 (physical day hearing)**.

Notice be issued to IO to appear in person before the Court on the NDOH.

One copy of order be uploaded on CIS.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021

State Vs. Mohd. Raja
FIR No.185/2020
PS Sadar Bazar

05.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, matters are taken up today physically.

Present : Sh. Vikram Dubey, Ld. APP for the State.

Non-Release Report of accused Mohd. Raja S/o Mohd. Javed has been filed by the Deputy Superintendent, Central Jail No.04, Tihar, New Delhi, as per which, accused Mohd. Raja S/o Mohd. Javed could not be released from Jail as a case bearing e-FIR No.015500/2020 U/s. 379/411 IPC, PS Jyoti Nagar is still pending against him. Same is taken on record.

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 SHO PS Sadar Bazar and Ld. Counsel for the applicant/ accused.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/05.01.2021