

State vs. Mahendra Singh
FIR NO. 10/19
PS Jagatpuri
U/s 323/325/34 IPC

03.05.2020

Fresh chargesheet received. It be checked.

Present: Ld. APP for State.
IO in person.

To come up for consideration on 23.07.2020.

ANUBHAV
JAIN

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ANUBHAV JAIN
Location: Shahdara
District, Karkardooma
Courts, Delhi
Date: 2020.05.03
16:30:07 +0530

(Anubhav Jain)
Duty Metropolitan Magistrate (SHD)
Karkardooma Court/Delhi/03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Bhushan Kumar
FIR No. 28/19
u/s 406/420/467/468/471/506/34 IPC
PS: Jagat Puri

03.05.2020
At 11:30 AM

Pr (through Webex): Complainant in person
IO in person
Counsel for accused.

Present bail cancellation application of accused Bhushan Kumar was moved by the complainant stating that accused Bhushan Kumar obtained interim bail from Mandoli Jail by Ld. Duty MM on 12.04.2020 by not disclosing that he is also accused for the offence u/s 467/468/471/506/34 IPC. It is further stated that previous bail application of the accused is already dismissed and that said bail is obtained by the accused by conspiracy and by not disclosing the complete facts.

Record perused.

As per the record accused Bhushan Kumar was granted interim bail for period of 45 days by Ld. Jail Duty MM on 12.04.2020. As per the bail order bail was granted to accused for the offence punishable u/s 406/420 IPC.

Reply was sought from IO concerned, Accused and Jail Authorities in regard to the same. Computer branch is further directed to send the reply so filed by the IO to the concerned parties through E-mail.

-2-

Reply received from IO through E mail. Counsel for accused seeks 2 days time for filing of reply. As per reply received from Jail Authority physically, it is stated that they have moved bail application u/s 406/420 IPC. Jail Authority is directed to inform as to why bail was not moved under appropriate sections. Let the reply be filed by all parties by 05.05.2020.

To list up on 05.05.2020 at 03.00 pm.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
JAIN**

Digitally signed by
ANUBHAV JAIN
Location:
Shahdara District,
Karkardooma
Courts, Delhi
Date: 2020.05.03
16:33:31 +0530

Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Gulfisha Fatima
FIR No. 48/20
u/s 147/186/188/283/353/109/34 IPC
PS: Jafrabad

03.05.2020

Present order shall dispose off the bail application of accused
Gulfisha Fatima d/o Sh. Tasneef Hussain

At 11:00 am

Present: Counsel for Applicant (through Webex)

None for the state

1. It is stated by the applicant in her application:
 - a. That she is in custody since 09.04.2020.
 - b. That she has been falsely implicated in the present case
 - c. That co-accused Suhail Khan is already granted bail by Ld. Sessions Court on 28.04.2020 and she is entitled to bail on ground of parity.
 - d. That all sections except Sec. 353 IPC areailable.
 - e. That accused is entitled for bail in terms of order passed by Hon'ble Apex Court in suo moto writ no. 1/2020 wherein Apex Court has directed for de congestion of bail.
 - f. That accused is subjected to harassment in jail premises.
 - g. That there is possibility that accused might contract with Covid in Jail.
 - h. That accused is not required for any custodial interrogation It is stated that accused is falsely implicated in the present case. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.
2. In reply thereof, it is stated by the IO that accused was involved in anti CAA and NRC protest and on 22.02.2020 accused alongwith several

other person sat down on the Western Side of the main road No. 66, Metro Station, Jafrabad due to which traffic moment was completely jammed. It is further stated that despite request of police officials the road was not vacated. It is further stated that accused is also involved in case FIR No. 59/2020 for the offence punishable u/s 13/16/17/18 UA(P)Act,120Br/w302/307/353/186/212/395/427/435/436/452/454/109/114/147/148/124A/ 153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act and crime branch is still investigating the matter. Bail application is further opposed by the IO on following grounds:

- a) Investigation of the case is at initial stage.
- b) Her conduct is attributable to Anti-National Activity
- c) Accused if released on bail may threaten the witnesses.
- d) Accused might jump bail.
- e) Co-accused are yet to be arrested.
- f) Granting of bail may send wrong message to the society.

3. It is argued by counsel for the accused bail has been sought on the ground of parity as other co-accused in the present FIR has already been granted bail. It is further argued that FIR so stated by the IO in the reply, is a separate matter and same cannot be looked into at this stage.

4. Heard the arguments through VC and perused the record received through E-mail.

5. As per the allegations levelled in the FIR, accused alongwith several other persons was involved in anti CAA and NRC protest in Jafrabad. Further accused, despite request from police officials did not vacate the area which further resulted into traffic jam and public inconvenience.

As per the report of IO accused was involved in anti national activities and is also involved in case FIR No. 59/2020 for the offence punishable u/s 13/16/17/18UA(P)Act, 120(B) IPC r/w 302/307/ 353/ 186/

212/ 395/ 427/435/ 436/452/ 454/ 109/ 114/ 147/148/124A/153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act. Allegations against the accused herein are serious in nature. Further as per the IO co-accused are yet to be apprehended. This court is further of the view that if applicant/ accused is released on bail at this stage, possibility of similar incidences cannot be ruled out. I may also refer to the observations made in **Siddharam Satlingappa Mhetre v. State of Maharashtra[(2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514]**

“84. Just as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important.”

6. With regard to arguments that accused is entitled to bail on the ground of parity, it is pertinent to state in here that role of every accused has to be seen independently in an offence. Applicant herein is accused in FIR No. 59/2020 for the offence punishable u/s 13/16/17/18UA(P) Act r/w 120(B) IPC 302/ 307/ 353/ 186/212/ 395/427/ 435/436/ 452/454/ 109/114/ 147/148/ 124A/153A, u/s 3 & 4 PDPP Act and u/s 25/27 Arms Act. Considering the abovesaid facts and circumstances, I am not inclined to grant bail to the accused Gulfisha at this stage. In view of the same, bail application stands dismissed. Application disposed off accordingly.

7. Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
JAIN**

Digitally signed by
ANUBHAV JAIN
Location: Shahdara
District, Karkardooma
Courts, Delhi
Date: 2020.05.03
16:33:59 +0530

(Anubhav Jain)
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

State vs. Arun Kumar
FIR NO. 72/19
PS Jagatpuri
U/s 323/341/34 IPC

03.05.2020

Fresh chargesheet received. It be checked.

Present: Ld. APP for State.
IO in person.

To come up for consideration on 23.07.2020.

ANUBHAV
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Digitally signed by
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16:30:32 +0530

(Anubhav Jain)
Duty Metropolitan Magistrate (SHD)
Karkardooma Court/Delhi/03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Jishan Khan & Ors.
u/s 188 IPC
FIR No. 155/2020
PS: Madhu Vihar

03.05.2020

**This is an application to release vehicle no. UP 87T 4148
on superdari moved on behalf of Applicant/AR Jishan Khan**

Present: None

Counsel for the applicant or APP did not connect through
Webex

It is stated by the applicant that he is registered/rightful
owner/AR of the abovesaid vehicle **no. UP 87T 4148**.

Learned APP for State has submitted that he has no
objection if the vehicle is released to the registered owner in terms of
judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs
State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. In the
reply so filed by the IO, it is stated that they have no objection if the
vehicle be released in favour of applicant.

**Hon'ble High Court of Delhi in CRL MC No. 4485/2013
and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs.
State'** has laid down detailed guidelines for disposal of the case
properties. In respect of release of vehicle, Hon'ble Court has laid down
following guidelines:

*"Vehicles involved in an offence may be released to the rightful
owner after preparing detailed panchnama, taking photographs of the
vehicle, valuation report and a security bond. The photographs of the
vehicle should be attested and countersigned by the complainant,
accused as well as by the person to whom the custody is handed over.
The production of the vehicle should be insisted upon during the trial.
The panchnama and photographs alongwith he valuation report should
suffice for the purpose of evidence. Return of vehicle and permission
for sale thereof should be the general norm rather than the exception".*

Considering the fact that water tanker was being used for the sanitization work in EDMC area, **vehicle bearing No. UP 87T 4148 is directed to be released to registered/rightful owner/AR after verification by IO, if not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. Application is accordingly disposed of.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&Sj SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&Sj, SHD, Karkardooma Courts, Delhi.

**ANUBHAV
JAIN**

Digitally signed by
ANUBHAV JAIN
Location: Shahdara
District, Karkardooma
Courts, Delhi
Date: 2020.05.03
16:31:19 +0530

Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Shahzad
FIR No. 198/2020
u/s 379/356/34 IPC
PS: Welcome

03.05.2020

At.12.15 pm

Present order shall dispose off the bail application of accused

Shahzad s/o Alaudin

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused is in custody since 26.04.2020. It is further stated that accused is falsely implicated in the present case. It is further stated that accused has no previous involvement in any other case and is sole bread earner of the family. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused along with one other co-accused snatched the mobile of the complainant and fled away from the spot, leaving behind their motorcycle. It is further stated that accused Salman was arrested at the instance of the complainant and he got recovered mobile phone. It is further stated that accused Salman disclosed that applicant/accused was riding the motorcycle at that time and accused/applicant surrendered before the police.

It has been telephonically informed by Ld. APP for the state Sh. Ashutosh Pandey at 12.15pm that he has not received the link and therefore could not join in the arguments.

Heard the arguments through VC and perused the record received through E-mail.

In the present case recovery is already affected from the co-accused. Further accused has no involvement in any other case except for the present one. Further accused/applicant was arrested on the basis of disclosure statement of co-accused. As such, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same accused person be released on bail subject to furnishing of bail bond and one surety for sum of Rs. 30,000/-. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
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Digitally signed by
ANUBHAV JAIN
Location: Shahdara
District,
Karkardooma Courts,
Delhi
Date: 2020.05.03
16:32:13 +0530

Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Rajkumar
FIR No. 232/19
u/s 406/420 IPC
PS: Jagat Puri

03.05.2020

At 11.30 am

Present order shall dispose off the bail application of accused

Rajkumar s/o Sh. Ganga Ram

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused has been falsely implicated in the present case by the complainant with the help of police officials. It is further argued that charge sheet is already filed in the present matter and that there is no evidence placed on record against the accused/applicant. It is further stated that property was constructed after obtaining loan from the bank and that contents in the documents that “ property is free from all the encumbrances” is merely part of Performa. It is further stated that principle of caveat emptor applied in the present case and it is the complainant who has to do due diligence prior to purchase of property. It is further stated that it is the complainant who owe money to the accused/applicant and in order to avoid payment of the same, he has falsely implicated the accused/applicant in the present case. It is further stated that same property is involved in 2 FIR, however different IO is assigned by the SHO for each FIR. It is further stated that there is great delay in lodging of FIR. It is further stated that complainant was well aware of the loan on the said property as all the correspondences from the bank are received on the said address. It is further stated that present case nothing more than non payment of loan to the bank. It is further stated

that accused was lodged in FIR for the offence punishable u/s 406/420 IPC and that accused is ready to join the investigation and is entitled to bail as per judgment Arnesh Kumar v. State of Bihar. It is further stated that accused has already submitted his original papers and passport and that there is no chance of fleeing from the hand of justice.

In reply thereof, it is stated by the IO that present case was registered on the complaint of complainant who along with 6 other victims purchased 8 flats in property bearing no. 58 Silver park, Delhi from accused Rajkumar between 2015 to 2018. It is further stated that in the sale deed it has been specifically stated that the property is free from all the encumbrances etc. however on 02.08.2019 complainant came to know about loan from PNB upon the said property when officials of PNB pasted possession notice on the same. Further as per the notice, bank raised total demand of Rs. 2,96,17,580.42/- towards repayment of loan amount. It is further stated that upon further investigation it was found that accused Rajkumar has availed loan on 30.07.2015 upon the said property and same fact is concealed by Rajkumar from the complainant and other purchasers of the flat at the time of selling the property. It is further stated that accused herein has defrauded 7 persons of their hard earned money and has loan to repay to PNB. It is further stated that accused has sold one of his property at Geeta colony and there is apprehension that if accused released on bail, he might jump the bail or may flee from the hands of justice. It is further stated that different properties are involved in the differen FIR.

During the course of arguments, it is stated by Ld. Counsel for the accused that charge sheet is already filed by the IO in the present case and that there is no more requirement of accused for custodial interrogation. It is further argued that complainant was already well aware about the loan and he has filed the present false complaint against the accused in order to save himself from making the payment

to the accused. It is further argued that accused is involved in different FIR's although all FIR are regarding same property and same loan amount. It is further argued that accused is in custody since 15.11.2019. It is further argued that complainant is already in possession of property and got the same mutated in his name. It is further argued that all the evidences are documentary in nature and as such accused is not required for custodial interrogation.

Heard the arguments through VC and perused the record received through E-mail.

In the present case in hand, there are serious allegations upon the accused persons of defrauding 7 persons by selling them encumbered property without disclosing the said fact to them. Accused has also received consideration from the complainant and other purchasers against the sale of said property. As per the reply filed by the IO, accused/applicant has yet to pay a sum of Rs. 2 crores to the bank towards loan, taken by the accused/ applicant against the said property. Accused has other FIR's also pending against him. Further as per the report of the IO, there is possibility that accused if released on bail might flee from the hands of justice as he has already started selling his properties.

With regard to the arguments so led by Ld. Counsel for the accused that it is complainant who has to make payment to the accused and that in order to avoid the same he has got lodged FIR against the accused, it is pertinent to state in here that in the entire application it has not been mentioned as to how it was complainant who has to pay money to the accused. Furthermore, argument that contents of the sale deed that " property is free from all encumbrances etc." is in proforma and that it is the complainant/purchaser who has to be vigilant does not hold any merits, as accused cannot shift/ shrug off his liability of disclosing the complete facts to the purchaser prior to

purchase is made. Further accused herein is involved in oter FIR and has liability/loan of about Rs 2 crore to pay to the PNB.

In view of the facts and circumstances discussed above, I find no grounds to grant bail to accused Rajkumar S/o Ganga Ram at this stage. In view of the same, bail application stands dismissed. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
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16:33:01 +0530

Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Saurabh & Ors.
FIR No. 002046/2020
u/s 379/411/34 IPC
PS: Madhu Vihar

03.05.2020
At 12.45 pm

Present order shall dispose off the bail application of accused 1)
Saurabh S/o Devender & 2) Jeetu s/o Rajender Sharma

Present: Counsel for Applicant (through Webex)

None for the state.

It is stated by the counsel for the applicant/ accused persons that he wishes to withdraw the present bail application and that same may be disposed off accordingly. He has also send a mail in this regard. In view of the submissions made by Ld. Counsel for the applicant, present application is disposed off as withdrawn.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
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ANUBHAV JAIN
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Courts, Delhi
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16:30:52 +0530

Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
03.05.2020