

FIR No.015045/2021
PS Kalyanpuri
State Vs. Not known
U/s 379 IPC.

Application No. 1

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/superdar.

This is an application for release of **vehicle (motorcycle Hero Splendor), black silver colour, bearing No. UP-16-BN-6083** to the applicant/owner Anish Haldar on superdari. Reply filed by the IO concerned.

Record is perused and it reveals that **applicant Anish Haldar is the owner/rightful claimant of the vehicle (motorcycle Hero Splendor), black silver colour, bearing No. UP-16-BN-6083. IO has no objection in release of case property to the applicant.**

Keeping in view the report of IO and judgment passed by Hon'ble High Court of Delhi in ***Manjit Singh Vs State; Crl. M.C.4485/2013 and Crl. M.A.No. 16055/2013*** wherein inter-alia the law laid down by Hon'ble Supreme Court in case titled as ***Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat; (2002) 10 SSC 283*** has been reiterated; the application is allowed. Concerned IO as well as SHO are directed as under:

- (i) to release the above-mentioned vehicle to registered owner subject to preparing detailed proper panchnama of above-mentioned vehicle and taking photographs of above-mentioned vehicle from all possible angles including engine number and chasis number and file the same along with charge sheet;
- (ii) to get panchnama and photographs of above-mentioned vehicle attested and countersigned by concerned party as well as by registered owner and IO.
- (iii) IO however shall release the vehicle only after verification of ownership documents of applicant.

Applicant shall also file an indemnity bond before the IO. IO/SHO is directed to do the needful. Application is **disposed of** accordingly.

At request, copy of this order be given dasti.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

FIR No. 015041/2020
PS Pandav Nagar
State Vs. Rohit @ Lala
U/s 379/411 IPC.

Application No. 2

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Mohit Jain, Legal Aid Counsel for the applicant/accused.

This is an application for release of the applicant/accused Rohit @ Lala on personal bond.

IO has filed the address verification report of the applicant/accused, which is taken on record. As per the said report, address of applicant/accused could not be verified as the same was untraceable.

In view of the same, applicant/accused cannot be released on personal bond as it will not be possible to trace him, if he does not appear before the Court after his release on his personal bond. Accordingly, the present application for releasing the applicant/accused on personal bond is dismissed. However, the applicant/accused shall be at liberty to move fresh application in case he provides correct current address.

A copy of this order be given dasti to the counsel for the applicant/accused and a copy of this order be sent to the Jail Superintendent concerned for information.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

FIR No. 26339/2020
PS Kalyanpuri
State Vs. Ravi Shankar
U/s 379/411 IPC.

Application No. 3

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Mohit Jain, LAC for the applicant/accused.

This is an application for release of the applicant/accused Ravi Shankar on personal bond.

IO has filed the address verification report of the applicant/accused which is taken on record. The address of accused is verified.

The accused was granted bail on 05.07.2021 but could not furnish bail bond as he was not able to arrange surety, as stated. In view of the same, applicant/accused is directed to be released on his furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned. Applicant/accused shall abide by the conditions laid down vide order dated 05.07.2021 passed by this Court.

A copy of this order be sent to Jail Superintendent concerned for information and compliance with further directions that in case personal bond is furnished by the accused, the original bond be sent before the court within 3 days of its acceptance by him. Copy of order be also given dasti to Ld. Counsel for the accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

FIR No. 52/2021
PS Kalyanpuri
State Vs. Jony @ Shiva etc.
U/s 363/302/364/120B IPC.

Application No. 4

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 207 Cr.P.C., moved on behalf of the applicant/accused Naresh, for supply of copy of chargesheet along with other documents.

I have perused the chargesheet and documents annexed with it. There is sufficient material on record to proceed against the accused persons. Hence, I take cognizance of the offences.

In view of the same, let copy of chargesheet be supplied to the applicant/accused as well as to the other accused as and when they appear before the court. His application is, accordingly, disposed of.

Put up on date already fixed, for further proceedings.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

FIR No. 392/2020
PS Kalyanpuri
State Vs. Noor Mohammad
U/s 302/380/457/201/34 IPC.

Application No. 5

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Naveen Saxena, Counsel for the applicant/accused Noor Mohd., who was produced from Mandoli Jail through VC at 12.00 Noon.

Sh. Vijay Goswami, Counsel for the accused Raj Kumar (accused is absent).

Accused Rajinder @ Bhairon is also absent.

This is an application for early hearing.

It is informed by counsel for accused Raj Kumar that as per the information received from accused Raj Kumar, co-accused Rajinder @ Bhairon has since expired.

Let death verification report of accused Rajinder @ Bhairon be called through the IO concerned for the next date of hearing.

Be put up on 24.08.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

**FIR No. 360/2021
PS Pandav Nagar
State Vs. Rahul @ Masala
U/s 356/379/411 IPC.**

Application No. 6

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

IO concerned is present through VC.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Rahul @ Masala, for grant of regular bail. Reply filed by the IO concerned.

It is submitted by Ld. Counsel for the applicant/accused that the applicant/accused deserves bail in the instant case as he has not been identified by the complainant during TIP proceedings and the recovery shown, is planted upon him. Bail is opposed by Ld. APP.

Heard submissions from both sides.

As per the allegations against the applicant/accused, he was found in possession of the stolen case property of the instant case. Moreover, he is involved in several other criminal cases of similar nature which clearly shows that he may be a habitual offender. Further, cases of theft and snatching are on rise nowadays. Therefore, this Court does not deem it a fit case to enlarge the applicant/accused on bail in the instant case. Present bail application of the applicant/accused is, accordingly, dismissed and stands disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused through any of the electronic modes available with the Court.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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**(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021**

**FIR No. 337/2021
PS Pandav Nagar
State Vs. Kushal
U/s 356/379/34 IPC.**

Application No. 7

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Vishal Sharma, LAC for the applicant/accused.

IO concerned is present through VC.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Kushal, for grant of regular bail. Reply filed by the IO concerned.

Heard submissions from both sides.

Considering the facts and circumstances of the case, besides the fact that the applicant/accused is in JC since 24.07.2021, I deem it a fit case to grant bail to the applicant/accused. Accordingly, applicant/accused is admitted to bail on his furnishing a bail bond in the sum of Rs.10,000/- with one surety of the like amount. Applicant/accused shall abide by the conditions laid down in Section 437(3) Cr.P.C.

Present application is, accordingly, disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused on his e-mail id or whatsapp number. A copy of this order be also sent to the Jail Superintendent concerned for information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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**(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021**

FIR No. 019697/2021
PS Pandav Nagar
State Vs. Shahazad @ Azad
U/s 379/411 IPC.

Application No. 8

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Kushagra, LAC for the applicant/accused.

IO concerned is present through VC.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Shahazad @ Azad, for grant of regular bail. Reply filed by the IO concerned.

Heard submissions from both sides.

As per the allegations against the applicant/accused, he was found in possession of stolen motorcycle of the instant case. Moreover, he is involved in several other criminal cases of similar nature which clearly shows that he is a habitual offender. Further, cases of theft and snatching are on rise nowadays. Therefore, this Court does not deem it a fit case to enlarge the applicant/accused on bail in the instant case. Present bail application of the applicant/accused is, accordingly, dismissed and stands disposed of.

A copy of this order be sent to the Ld. Counsel for the applicant/accused through any of the electronic modes available with the Court.

Original application along with vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)

CMM (East), KKD, Delhi/12.08.2021

FIR No. 00237/2021
PS Pandav Nagar
State Vs. Mohd. Chand
U/s 379/411 IPC.

Application No. 9

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

IO is present.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Mohd. Chand, for grant of regular bail. Reply filed by the IO concerned.

Part arguments heard.

There are frequent network disturbances during arguments on the present bail application. Counsel for the applicant/accused could not complete arguments even at 12.00 noon too. Hence, at request, matter is adjourned to 16.08.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

FIR No. 24/2021

PS Kalyanpuri

Sunny Vs. State

U/s 420/467/468/471/120B/34 IPC.

Application No. 10

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.
Counsel for the applicant/accused.

This is the second bail application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Sunny, for grant of regular bail.

Record perused.

The allegations against the applicant/accused are that he along with co-accused Vinit forged the KYC form of the complainant and deposited it in SBI bank. They then transferred a sum of **Rs.9,41,300/-** from the said account of complainant and used the money in purchase of jewellery from a jeweller's shop. The accused was apprehended on the basis of CCTV footage of jewellery shop. Co-accused is yet to be apprehended. No recovery could be effected from the applicant/accused.

Counsel for the applicant/accused has argued that as per the previous report of the IO, the applicant/herein was merely driver of co-accused Vinit and nothing has been brought on record that this accused was connected in any way with the present offence. No recovery has been effected from him. He further submits that if a person engages someone as his driver, the said person who engaged the driver, then commits any offence by going to some place by a car being driven by the driver, how can the said driver be presumed to have committed the offence. He has further stated that now in the reply filed by the IO concerned, he has taken a different position stating that there was active involvement of applicant/accused in the offence and thus, he has completely changed the prosecution case.

He further submits that accused is already in JC for about five months and as such his custody in the case is no more required for any further investigation in the case. Hence, the applicant/accused deserved to be released on bail in the case.

Ld. APP assisted by the IO, has strongly opposed the bail application stating that further role of the applicant/accused came to light only upon further investigation in the matter after obtaining CCTV footage of the Bank, which shows his active involvement. He also pointed towards the legality of the application and also towards its maintainability.

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FIR No. 24/2021

Application No. 10

PS Kalyanpuri

Sunny Vs. State

U/s 420/467/468/471/120B/34 IPC.

I have now considered the arguments advanced from both sides.

It is rightly pointed out by Ld. APP for the State that the accused is alleged to have committed offence under Section 467 IPC, which is punishable with life imprisonment. As per Section 437 Cr.P.C., provisions of said section for bail is not applicable to offences punishable with death or life imprisonment, unless until the accused is under sixteen years of age or is a woman or is sick or infirm. These exceptions do not apply to the case of accused and this application is not maintainable before this Court.

Furthermore, it has also been rightly submitted by Ld. APP for the State that there is no change in circumstances from the date when the first bail application was moved and dismissed by the court. In fact, more evidence has come on record against the applicant/accused from the time when his first bail application was dismissed.

Coming to merits, it is rightly submitted by the counsel for the accused that as per the earlier report, IO had stated that accused was the driver of co-accused and now the IO has brought on record that he had obtained certified CCTV footage of the Bank, which shows presence of both the accused persons, i.e. the applicant/accused and co-accused, in the Bank at the time of furnishing of forged KYC form of the complainant. Presence of applicant/accused can be further seen at ATM Kiosk. Thereafter, both the accused persons went to a jewellery shop for purchasing jewellery. These facts show that the role of applicant/accused was much more than that of a driver. Prima facie, it shows active involvement of the applicant/accused and co-accused in the offences alleged against them.

I am also satisfied with the explanation given by the IO concerned that earlier allegations that the applicant/accused was merely a driver was on the basis of his disclosure statement, however, on the basis of CCTV footage obtained by him from bank, the role of the applicant/accused has become more prominent.

In view of the above facts and circumstances, present bail application is dismissed both on merits as well as for not being maintainable. Present application stands disposed of, accordingly.

A copy of this order be given dasti to the counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)

CMM (East), KKD, Delhi/12.08.2021

FIR No. 389/2019
PS Kalyanpuri
Sanjay Samson Vs. Lalit
U/s 420/120B/468/471/34 IPC.

Application No.11

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Ravinder Kumar, Counsel for the applicant/complainant with complainant.

Ms. Seema Singh, Counsel for the accused/respondent.

IO/SI R.S. Pandit is present through VC.

This is an application under Section 437(5) Cr.P.C., moved on behalf of the applicant/complainant, seeking cancellation of bail granted to the accused/respondent vide order dated 30.09.2019 passed by Ld. Predecessor of this Court.

Arguments heard in part.

At this stage, counsel for the applicant states that he wants to refer some judgement in the matter to advance further arguments and seeks adjournment.

It appears that these two applications, i.e., one qua accused Lalit and another qua accused Ved Prakash, have been filed by the applicant just to waste the time of the Court as sometimes applicant/his counsel do not appear in the matters or at times counsel seeks adjournment for arguments in the matter. Therefore, repeated adjournments have been given in matter for the different reasons. Hence, it is clarified to the applicant/complainant that if no arguments are advanced in the matter on the next date of hearing or any further adjournment is sought on the said date, the matter will be disposed of as per the material available on record without granting any further opportunity to argue in the matter.

Matter is adjourned to 07.10.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/12.08.2021

FIR No. 389/2019

Application No.12

PS Kalyanpuri

Sanjay Samson Vs. Ved Prakash & Anr.

U/s 420/120B/34 IPC.

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Ravinder Kumar, Counsel for the applicant/complainant.

Sh. Ashok Kumar, Counsel for the accused/respondent No.1.

IO/SI R.S. Pandit is present through VC.

This is an application under Section 437(5) Cr.P.C., moved on behalf of the applicant/complainant, seeking cancellation of bail granted to the accused/respondent No.1 vide order dated 19.10.20219.

Arguments heard in part.

At this stage, counsel for the applicant states that he wants to refer some judgement in the matter to advance further arguments and seeks adjournment.

It appears that these two applications, i.e., one qua accused Lalit and another qua accused Ved Prakash, have been filed by the applicant just to waste the time of the Court as sometimes applicant/his counsel do not appear in the matters or at times counsel seeks adjournment for arguments in the matter. Therefore, repeated adjournments have been given in matter for the different reasons. Hence, it is clarified to the applicant/complainant that if no arguments are advanced in the matter on the next date of hearing or any further adjournment is sought on the said date, the matter will be disposed of as per the material available on record without granting any further opportunity to argue in the matter.

Matter is adjourned to 07.10.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/12.08.2021

Misc. CrI. No. 15/2021

Application No.13

Bank of India

Vs.

M/s Kanchan International & Ors.

12.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 438/RG/DHC/2021, dated 22.07.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Applicant/Court Receiver is present through VC.

This is an application moved by the Court Receiver seeking appropriate directions regarding fixing the date for taking over the possession of mortgaged property and for additional remuneration on the ground that he has performed his duties as per the order passed by this Court and there was no fault on his part but it was fault on the part of counsel for the Bank/Secured Creditor.

Let notice of the application be issued to the Bank/Secured Creditor for 21.08.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/12.08.2021