

14.12.2020

Present order shall dispose off the bail application of accused **Irfan s/o Mohd.**

Murtaza.

Present: Ld. APP for the state.
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 27.11.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that co-accused has already granted bail in the present case. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature, as accused alongwith co-accused firing on a vacate shop and complainant after seen the CCTV footage disclosed that accused alongwith co-accused was firing on the said shop. It is further stated that thereafter accused was arrested in the present case and case property i.e. pistol was recovered from teh possession of accused. It is further stated that if accused released on bail, he may jump the bail. It is further stated that accused has involvement in 06 other cases and a habitual offender.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature as accused alongwith co-accused firing on a vacate shop and case property was recovered from the possession of accused. Further, accused irfan has previous involvement in other similar offences. Further, ground of parity are not applicable as situation of accused Irfan is diffrent from accused Nusrat. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail if made out. In view of same, bail application if accused **Irfan s/o Mohd. Murtaza** stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

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Date:
2020.12.14
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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
14.12.2020

State vs. Kadar Khan s/o Md. Tasleem Ahmad
FIR No. 438/20
PS. Jafrabad
U/s. 4/5/7/8/11 DACP Act

14.12.2020

Present order shall dispose off the bail application of accused Kadar Khan s/o Md. Tasleem Ahmad.

Present: Ld. APP for the state.
Counsel for applicant.

This is the third bail application of accused. First bail application of accused was dismissed by Ld. Predecessor Court on 06.11.2020 and second bail application of accused was dismissed by Ld. Sessions Court vide order dt. 28.11.2020.

It is stated that accused is in JC since 21.10.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature, as accused alongwith co-accused came a white colour cow in a car for cutting purpose. It is further stated that investigation is pending in the present case and co-accused are yet to be arrested. It is further stated that if accused released on bail, he may threaten the witnesses.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature as accused alongwith co-accused were found in possession of cattle for purpose of slaughtering. Further, two slaughtered cattle / cow were found in possession of accused. Further, investigation is pending in the present case and co-accused are yet to be arrested. Further, there is material concealment in the application as the fact of dismissal of previous bail application is not stated. Further bail application was also dismissed by Ld. Sessions Court on 28.11.2020 and there are no change of circumstance. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail if made out. In view of same, bail application of accused **Kadar Khan s/o Md. Tasleem Ahmad** stands dismissed. Application disposed off accordingly.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
14.12.2020

State vs. Ratan Kumar @ Kanahiya s/o Sh. Khubchand
e-FIR No. ED-MV-000427/20
PS. Madhu Vihar
U/s. 379 IPC

14.12.2020

Present order shall dispose off the bail application of accused Ratan Kumar @ Kanahiya s/o Sh. Khubchand.

Present: Ld. APP for the state.
Counsel for applicant (through Webex).

It is stated that accused is in JC since 06.11.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature. It is further stated that accused was arrested by PS Kalyanpuri and stolen mobile was recovered from the possession of accused. It is further stated that accused has involvement in 16 other cases and a habitual offender.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature. Further, accused is a habitual offender and many cases of theft are pending against him. Further, in such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused Ratan Kumar @ Kanahiya s/o Sh. Khubchand stands dismissed. Application disposed off accordingly.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
14.12.2020

State vs. Sagar @ Tatla s/o Lt. Satpal
FIR No. 021254/20
PS. Jagatpuri
U/s. 379/411 IPC

14.12.2020

Lt. Satpal. Present order shall dispose off the bail application of accused Sagar @ Tatla s/o

Present: Ld. APP for State.
Sh. Ravi Dhankar, LAC for applicant (through Webex).

It is argued by counsel for accused that accused is in custody since 06.09.2020. It is further stated that accused has falsely implicated in this case. It is further stated that nothing has been recovered from the possession of accused. 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 was arrested in the present case and stolen vehicel was recovered from the possession of accused. It is further stated that charge-sheet has already been filed in the persent case. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments through VC and perused the record.

Considering the fact that accused is in JC since 06.09.2020 and recovery has already been effected. Further, accused has no previous involvement. Further, charge-sheet has already been filed in the present case. Furthermore, in view of the ongoing Covid pandemic conclusion of trial may take some time. In view of the same, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same, accused Sagar @ Tatla s/o Lt. Satpal be released on bail, subject to furnishing of bail bond and one surety for a sum of Rs. 10,000/- and further bail is granted subject to the conditions that:-

1. He shall not threaten or influence the witnesses.
2. He shall join the investigation as and when he is called upon by the IO.
3. He shall not tamper with evidence.
4. He shall appear before this court on each and every date of hearing.
5. He shall further intimate the court about change of his or his surety's address.

Application is disposed off accordingly.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
14.12.2020

State vs. Shahnawaj
FIR No. 43/13
PS. Jagatpuri
U/s. 379/411 IPC

14.12.2020

Present order shall dispose off the bail application of accused **Shahnawaj @ Sonu s/o Lt. Sh. Haider Abbas.**

Present: Ld. APP for the state
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 04.12.2020 and was falsely implicated in the present case. It is further stated that accused has not committed any offence. It is further stated that investigation is completed and no purpose would be served to keep the accused in custody. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that upon the complaint of complainant on 20.01.2013 regarding theft, FIR no. 43/13, PS Jagatpuri was registered and charge-sheet against accused Shahnawaj @ Sonu s/o Lt. Sh. Haider Abbas was filed. It is further stated that on 27.10.2016,, accused was declared as proclaimed offender (PO) by Ld. ACMM (SHD) KKD. He further states that the accused was arrested by PS Rajouri Garden special staff on 04.12.2020. It is further stated that accused is not being granted bail as he can jump the bail.

Heard the arguments through VC and perused the record.

Perusal of file in FIR no. 43/13, PS Jagatpuri reveals that charge-sheet was filed in the present case against the accused Shahnawaj @ Sonu s/o Lt. Sh. Haider Abbas on 12.12.2014 and matter was put up for PE. Perusal of the file further reveals that process u/s 82/83 Cr.P.C was issued against the accused on 28.01.2016 and process u/s 82 Cr.P.C was also executed properly against the accused and statement of process server was recorded on 27.10.2016 and accused was declared proclaimed offender (PO) vide order dt. 27.10.2016 and after recording of the evidence u/s 299 Cr.P.C, file was consigned to record room vide order dt. 16.01.2018.

In considering the opinion of this court, as the accused has not entered his appearance despite service of various processes, therefore, accused does not deserve to be released from custody at this stage. Hence, bail application of accused **Shahnawaj @ Sonu s/o Lt. Sh. Haider Abbas** stands dismissed. Application disposed off accordingly.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
14.12.2020

State vs. Sonu
FIR No. 339/12
PS. Jagatpuri
U/s. 379/411 IPC

14.12.2020

Present order shall dispose off the bail application of accused **Sonu @ Balendra s/o Chauhad Singh**.

Present: Ld. APP for the state
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 02.12.2020 and was falsely implicated in the present case. It is further stated that accused has not committed any offence. It is further stated that investigation is completed and no purpose would be served to keep the accused in custody. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that upon the complaint of complainant on 08.08.2012 regarding theft of his motorcycle, FIR no. 339/2012 was registered and on 19.05.2016 charge-sheet against accused Sonu @ Balendra was filed. It is further stated that on 29.11.2017, accused Sonu declared as proclaimed offender (PO) by Ld. ACMM (SHD) KKD. He further states that the accused was arrested on 02.12.2020. It is further stated that accused is not being granted bail as he can jump the bail.

Heard the arguments through VC and perused the record.

As per the record of file, FIR no. 339/12, PS Jagatpuri accused Sonu @ Balendra s/o Chauhad Singh never entered his appearance after filing of charge-sheet in the court since 2016. Perusal of the file further reveals that despite services of summons, accused failed to appear in the court as recorded order dated 24.03.2017. Perusal of the file further reveals that process u/s 82 Cr.P.C was also executed properly against the accused as per order dt. 23.08.2017 and accordingly accused was declared PO vide order dt. 29.11.2017 and after recording of the statement of process server, file was consigned to record room vide order dt. 23.07.2018.

In considering the opinion of this court, as the accused has not entered his appearance despite service of various processes, therefore, accused does not deserve to be released from custody at this stage. Hence, bail application of accused **Sonu @ Balendra s/o Chauhad Singh** stands dismissed. Application disposed off accordingly.

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14.12.2020