

State vs. Momin  
FIR NO. 349/20  
PS Pandav Nagar  
U/s 392/34 IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
None.

None is present on behalf of the accused for arguments.

Be listed on 20.10.2020.

( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/14.10.2020

State vs. Not known  
FIR NO. 0013/20  
PS YDM  
U/s 420/34 IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Ld. Counsel for the applicant (through video conferencing).

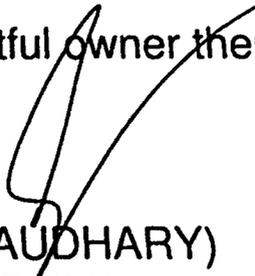
Reply filed by the IO. Same is perused.

Let a copy of the application be supplied to the accused.

Accused is directed to file a reply stating whether the cash as mentioned in the application belongs to him or not.

Let a NOC be filed by the accused stating that he has no objections if the cash is released to the applicant/rightful owner thereof.

Be listed on 19.10.2020.

  
( RENU CHAUDHARY)  
MM-04/East/KKD/Delhi/14.10.2020

State vs. Rohit @ Chotu  
FIR NO. 02/19  
PS YBM

U/s 392/34 IPC and u/s 25/27/54/59 Arms Act

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
None for accused.

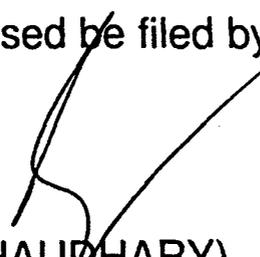
This is an application moved on behalf of the accused praying that he may be released on furnishing personal bond.

It is submitted that the accused was granted bail vide order dated 11.07.2019 subject to furnishing of personal bond and surety bond in the sum of Rs. 20,000/- each but since the accused could not arrange for any surety, he is still in JC. Hence, the present application is moved praying that the accused may be released on furnishing the personal bond.

Report filed by Dy. Superintendent, Central Jail-12, Mandoli Jail as per which the accused is involved in several other cases.

Let a risk assessment report qua the accused be filed by the SHO concerned.

Be listed on 16.10.2020.

  
( RENU CHAUDHARY)  
MM-04/East/KKD/Delhi/14.10.2020

State vs. Not known  
FIR NO. 103/19  
PS Laxmi Nagar  
U/s 419/420/406/120 B IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Sh. Nishi Kant Pandey, Id. Counsel for the accused (through video conferencing).

IO is directed to file on record copy of death certificate of the deceased registered owner Sh. Rajender Prasad Gupta.

The applicant is also directed to file an affidavit stating that she is the widow of the deceased owner of the vehicle and is entitled to dispose of the same being the legal heir of the deceased.

The applicant is further directed to furnish indemnity bond in the sum equivalent to the present valuation of the vehicle qua which the present application is moved.

Be listed on 19.10.2020.

( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/14.10.2020

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Sh. B.K. Sharma, Id.counsel for the applicant/surety (through video conferencing).

This is an application moved on behalf of the applicant/surety Mohd.Subhan seeking withdrawal as surety for the accused.

It is stated that the applicant stood surety for the accused Ashif @ Ashique and furnished surety bond in the sum of Rs. 20,000/- and his FD (FD No. TDR/UFPL/B 2459142 for the sum of Rs. 20,000/-) was retained on Court records. It is further stated that due to financial crises, the surety/applicant wants to withdraw her surety in the present FIR. Hence, the application has been moved with the prayer to allow the same.

Let notice of the present application be sent to the accused through IO for 17.10.2020.

Copy of this order be sent to the Id. Counsel for the applicant through electronic mode.

( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/14.10.2020

State vs. Ashif @ Ashique  
e-FIR NO. 034613/19  
PSLaxmi Nagar  
U/s 379/411/34 IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

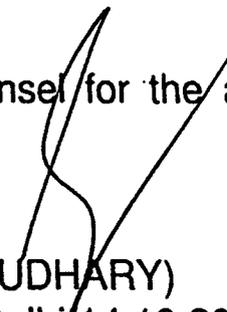
Present: Ld. APP for the State (through video conferencing).  
Sh. B.K. Sharma, Id.counsel for the applicant/surety (through video conferencing).

This is an application moved on behalf of the applicant/surety Shababa seeking withdrawal as surety for the accused.

It is stated that the applicant stood surety for the accused Ashif @ Ashique and furnished surety bond in the sum of Rs. 20,000/- and her FD (FD No. 499992 issued by Central Bank of India for the sum of Rs. 20,000/-) was retained on Court records. It is further stated that due to financial crises, the surety/applicant wants to withdraw her surety in the present FIR. Hence, the application has been moved with the prayer to allow the same.

Let notice of the present application be sent to the accused through IO for 17.10.2020.

Copy of this order be sent to the Id. Counsel for the applicant through electronic mode.

  
( RENU CHAUDHARY)  
MM-04/East/KKD/Delhi/14.10.2020

1-1.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).

Sh. Manoj Kumar, Id. Counsel for the accused (through video conferencing).

Vide this order, I shall dispose of the application moved by accused Sushil Kumar, seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that the accused is in Judicial Custody since 24.09.2020. It is further stated that the accused has been falsely implicated in the present case by the complainant as the accused is married to the complainant's sister and now the complainant's family wants to settle personal scores because the marriage was against the family's wishes. It is further submitted that the recovery in the present case has also been implanted on the accused as the accused was not even named in the FIR. It is further stated that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

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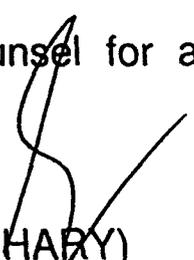
On the other hand, it is submitted by Ld. APP for the state that the offence is grave and serious in nature and case property was recovered from the accused Sushil Kumar. It is further stated that the accused may threaten the complainant and the witness and that he may tamper or hamper the evidence and jump the bail. Hence, accused doesn't deserve bail.

The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, the allegations against the accused are grave and serious. Further, the investigation is at initial stages. Therefore, there is every likelihood that accused may tamper the prosecution's evidence, if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Sushil Kumar is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

  
( RENU CHAUDHARY)  
MM-04/East/KKD/Delhi/14.10.2020

State vs. Pardesi Kumar  
FIR NO. 0438/20  
PS Laxmi Nagar  
U/s 392/34 IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Mohd. Zahid, Id. Counsel for the accused (through video conferencing).

Vide this order, I shall dispose of the application moved by accused Pardesi Kumar, seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that the accused is in Judicial Custody since 24.09.2020. Further, the accused has been falsely implicated in the present case and he is a young boy of 18 years. It is further stated that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, it is submitted by Ld. APP for the state that the offence is grave and serious in nature. The accused may threaten the complainant and the witness and that he may tamper or hamper the evidence and jump the bail. Hence, accused doesn't deserve bail.

Contd..2



The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, the allegations against the accused are grave and serious. Further, the investigation is at initial stages. Therefore, there is every likelihood that accused may tamper the prosecution's evidence, if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Pardesi Kumar is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/14.10.2020

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).

Mohd. Yusuf, Id.counsel for the applicant (through video conferencing) .

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. **DL-5SCB 3008 (TVS Scooty NTORQ)** on superdari.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the vehicle is not required by the police.

Heard on the application for releasing the vehicle i.e. **DL-5SCB 3008 (TVS Scooty NTORQ)** to the applicant/owner. Photocopy of RC of the vehicle and the insurance papers of the vehicle in question in the name of the applicant/owner have been filed. Considering the same, in view of the judgment of **Hon'ble High Court of Delhi** titled as "**Manjit Singh vs. State in Criminal MC No.**

Contd...2



**4485/13 dated 10.09.2014** , the said vehicle in question is released to the rightful owner subject to following conditions:-

1. IO is directed to release the vehicle to the rightful owner after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the complainant, accused as well as by the person to whom the custody is handed over.
3. Owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. **DL-5SCB 3008 (TVS Scooty NTORQ)** before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the rightful owner, his identity proof and address proof and shall release the vehicle after verifying the ownership of the applicant and insurance of the vehicle.
5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.
6. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Id. Counsel for applicant through electronic mode.

( RENU CHAUDHARY )

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized, somewhat abstract shape.

MM-04/East/KKD/Delhi/14.10.2020

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).

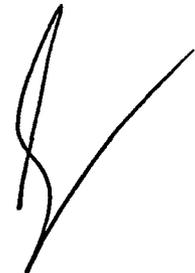
Mohd. Yusuf, Id. Counsel for the applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. **DL-6S AT 6286 (Honda Activa)** on superdari.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the vehicle is not required by the police.

Heard on the application for releasing the vehicle i.e. **DL-6S AT 6286 (Honda Activa)** to the applicant/owner. Photocopy of RC of the vehicle and the insurance papers of the vehicle in question in the name of the applicant/owner have been filed. Considering the same, in view of the judgment of **Hon'ble High Court of Delhi** titled as "**Manjit Singh vs. State in Criminal MC No. 4485/13** dated

Contd...2



10.09.2014 , the said vehicle in question is released to the rightful owner subject to following conditions:-

1. IO is directed to release the vehicle to the rightful owner after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the complainant, accused as well as by the person to whom the custody is handed over.
3. Owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. **DL-6S AT 6286 (Honda Activa)** before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the rightful owner, his identity proof and address proof and shall release the vehicle after verifying the ownership of the applicant and insurance of the vehicle.
5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.
6. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Id. Counsel for applicant through electronic mode.

  
( RENU CHAUDHARY)



MM-04/East/KKD/Delhi/14.10.2020

State vs. Shyam & Ors.  
FIR NO. 24/12  
PS YDM  
U/s 323/341/506/34 IPC

14.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Sh. Imran Khan, Id. Counsel for the applicant (through video conferencing).

This is an application moved on behalf of the accused Manish Kumar seeking grant of permission for issuing passport.

It is stated that the accused/applicant had applied for the issuance of passport before the concerned authorities but in police inquiry, objection of the present FIR case was mentioned.

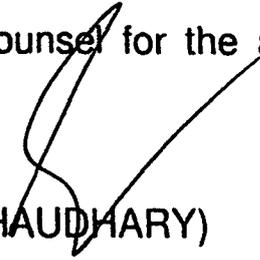
Hence, it is prayed that the present application be allowed and directions be given for the issuance of passport to the applicant/accused.

Heard and perused.

The present application is not maintainable and is hereby dismissed.

Application disposed of accordingly.

Copy of this order be sent to the Id. Counsel for the applicant through electronic mode.

  
( RENU CHAUDHARY)