

**IN THE COURT OF ACMM-EAST KKD DELHI**  
**FIR No: 20/2020**  
**PS: EOW**  
**State Vs Santosh Kumar Sharma**  
**U/s 406/409/420/34 IPC & 66 IT Act**  
**2108.2020**  
**Through Video conferencing .**

**A bail application under Section 437 Cr.P.C. through VC**  
**moved on behalf of the applicant/accused.**

Present: Sh. Ramesh Bajiya, Ld. APP for the State through  
VC.

Sh. Vikas Bhatia, ld. counsel for the applicant through  
VC.

SI Dharmender and Ct. Ritender from EOW through  
VC on behalf of IO.

The original Chargesheet has also been called from  
the Court of Ld. CMM East.

Part arguments on application heard. During course of  
arguments, it has been noticed that the accused has been  
chargesheeted in the present case for offences punishable u/s  
406/409/420/34 IPC & 66 IT Act. The Court has also taken the  
cognizance of the alleged offences. The matter is at the stage of  
charge. Section 409, IPC provides maximum punishment of life  
imprisonment.

At this stage, ld. Counsel for applicant/accused  
submits that considering the fact that the court has taken  
cognizance of offence, inter alia, punishable under Section 409,

which prescribe punishment for life imprisonment, he wants to withdraw the application, without prejudice to the rights of the applicant.

Considering the submissions of Id. Counsel, the application is disposed of as withdrawn. Record alongwith original chargesheet be sent back to the Court of Id. CMM East immediately.

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**ACMM (EAST)/KKD/21.08.2020**

**IN THE COURT OF ACMM-EAST KKD DELHI**  
**State Vs. Mohd. Arish**  
**FIR No. 143/2020**  
**PS Preet Vihar**  
**U/s 379/356/511/34 IPC**  
**21.08.2020**

**A bail application under Section 437 Cr.P.C. through VC moved by advocate Sh. Parveen Yadav on behalf of the Accused.**

Present: Sh. Ramesh Bajiya, Ld. APP for the State through VC.  
Sh. Parveen Yadav and Sh. Adarsh Kumar, ld. counsels for the applicant through VC.  
HC Manoj from PS Preet Vihar through VC.  
Reply is received from the IO.  
Accused is stated to be in JC since 23.07.2020.  
Submissions on bail application heard. Reply of IO perused.

It is stated by learned counsel for accused/applicant through VC that the accused has been falsely implicated in the present case and he is in J.C. It has been argued that investigation has already been completed and no fruitful purpose would be served by keeping the accused/applicant in J/C since 23.07.2020. Nothing has been recovered from his possession and the alleged recovery has been planted upon the accused. Hence, it is prayed, that accused/applicant may be granted bail.

Learned APP has opposed the bail application. It has been argued that the allegations against the accused are serious in nature. He might indulge in similar offences, if he is released on bail. Hence, it is prayed that application may be dismissed.

I have heard the submissions and perused the record.

The accused is shown to be in custody since 23.07.2020. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID-19 Pandemic. Considering the

circumstances, nature of offence in question, no previous involvement of accused and the age of the accused/applicant, accused/applicant is hereby granted bail on furnishing bail bond in the sum of Rs. 15,000/- with one surety of like amount and subject to verification of address of accused as well as his surety, with the following directions : -

1. He shall not change his address without intimation to the Court.
2. He will not try to influence the witnesses.
3. He will not leave the country without prior permission of the court.
4. He will not involve in similar type of offences after releasing on bail. If he is found indulge in similar such type of offences in future, State shall be at liberty to move an application for cancellation of his bail.

With above directions, bail application of accused/applicant stands disposed of.

Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be sent to the Id. Defence counsel on his E-mail and order be uploaded on the server.

Ld. Counsel for the applicant is directed to file the original bail application along with documents in the court within 2 days from today.

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**ACMM (EAST)/KKD/21.08.2020**

**IN THE COURT OF ACMM-EAST KKD DELHI**  
**FIR No: 277/2016**  
**PS New Ashok Nagar**  
**State Vs Manish Kumar and Anr.**  
**21.08.2020**

**File taken up today on an application for FDR moved on behalf of  
surety/applicant Ms. Prita Jha.**

**Through Video conferencing**

Present: Ld. APP for the State through VC.

Sh. Rajesh Kumar, Id. Counsel for applicant through VC.

Reader has informed that the vakalatnama of Id. Counsel has been received on email ID. Ld. Counsel submits that he shall deposit the vakalatnama during course of the day.

During the course of arguments, Id. Counsel submits that original FDR is still in possession of the applicant however there is endorsement on the said FDR. The application has been moved by applicant seeking cancelation the said endorsement.

Heard. File perused.

Perusal of the record would show that applicant Ms. Prita Jha had stood surety for accused Manish (since discharged). At the time of furnishing bond, she had produced one FDR bearing no. 153800 drawn on Punjab National Bank, Bhikhaji Kama Place, New Delhi, for sum of Rs.15000/- in favour of Ms. Prita Jha W/o Sh. Jairam Jha. The original FDR is not on record. However, a photocopy of the same is available on record.

Vide order dt. 16.09.2019 accused Manish had been discharged by this Court. His bail bond/surety bond were kept on record for the purpose of section 437-A Cr.P.C. for a period of six months. The said time has already expired. The bail bond/ surety bond therefore stand cancelled. Surety stands discharged. Documents on record, if any, be released to the rightful claimant

after cancellation of endorsement if any. As the applicant/surety has already been discharged in this case, any endorsement on the above-mentioned FDR also stands cancelled. In case the applicant appears with the original FDR, the Ahlmad shall take the FDR, this order and case file before Ld. Duty MM East KKD for signing on the cancelation of endorsement.

Ld. Counsel for the applicant is directed to file the original application in the court within 2 days from today.

File be consigned to record room.

Copy of this order be given dasti to the applicant/surety.

Copy be sent to the ld. Defence counsel on his E-mail and order be uploaded on the server.

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**ACMM (EAST)/KKD/21.08.2020**

*State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.*

**IN THE COURT OF ACMM-EAST KKD DELHI**

**State Vs. Anil Mittal**

**FIR No. 178/2017**

**PS: EOW**

**U/S: 406/409/420/120B, IPC.**

**21.08.2020**

**An application U/s 267 Cr.P.C moved on behalf of the applicant Sh. Anil Mittal for directions.**

Present: Sh. Aditya Jain, Ld. Counsel for applicant/accused  
Anil Mittal.

Sh. Rakesh Kumar, the Jail Superintendent, Central  
Jail no.11, Mandoli, Delhi.

The proceedings are done through Video  
Conferencing.

The present application is in relation to a matter which is pending in the Court of Ld. CMM East. However Ld. CMM East is on leave and therefore the application has been taken up by the undersigned.

At present the applicant accused is lodged in a prison in Lucknow. The Jail Superintendent, Jail no.11, Mandoli Jail, Delhi, submits that it is upon the authorities of Lucknow Jail to take a decision whether the accused is to be transferred to a Jail in Delhi or not.

Ld. Counsel for applicant/accused Anil Mittal submits that the accused has been in Judicial custody in the present matter since 07.08.2019. The Applicant was granted interim bail for a period of 8 weeks vide order dated 12.05.2020, passed by the Ld. Duty Judge (Sessions), East District, Karkardooma Court, Delhi.

*State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.*

However, he was not released from the jail even after furnishing bonds as per order of LD. ASJ as one production warrant was stated to have been issued by Ld. District and Sessions Judge, Lucknow. The applicant was released only after an order was passed by Hon'ble High Court on a Habeas Corpus petition of the applicant. The Hon'ble Delhi High Court vide the said order directed him to appear before the concerned Court at Lucknow on 12.06.2020. The Applicant was directed to appear before the Enforcement Directorate, Lucknow Zonal Office on 15.06.2020 in ECIR NO. LKZO/06/2019. The Applicant was arrested on the same date and the ED was granted the custody of the Applicant for interrogation vide order dated 16.06.2020. On 17.06.2020, the Applicant's custody was transferred to the Judicial Custody. He had informed the Jail Superintendent, Mandoli Jail through email that he was in judicial custody in Lucknow and therefore he could not come and surrender after expiry of the period of his interim bail.

Ld. Counsel submits that the interrogation and investigation of the applicant has been completed by the ED and the complaint has been filed on 14.08.2020. His presence is no longer required in Lucknow. Since the Applicant could not surrender before the Mandoli Jail, Delhi after the expiry of his interim bail, he wants that his period in custody in Lucknow Jail be

*State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.*

counted as period in the present case also.

Ld. Counsel further submits that there are more than 15 FIRs registered in Gautambuddha Nagar, UP. The Honble Supreme Court vide order dated 10.07.2020 had directed the transfer of all the FIRs to EOW.

The Applicant has prayed that he be produced before this Court stating, inter alia, that he is a known patient of asthma, hypertension and nasal polyps. He has been a patient of Covid. His family doctor and other doctors whom he has been visiting for past 30 days are practicing in Delhi. In case of any emergency, it would be good for his health that he is treated by the doctors in Delhi. He has to prepare for his trial also in the present case. Hence it is prayed that production warrant against the Applicant be issued to transfer him to a jail in Delhi from Lucknow Jail. He has also prayed that his nominal roll may also be called from Jail No.11, Mandoli Jail.

Ld. Counsel submits that the applicant is currently in judicial custody in Lucknow Jail in Criminal Misc Case No.267 of 2020 in ECIR No. 06/PMLA/LKZO/2019 u/s 3 and 4 of the PMLA Act.

Issue notice of the application to the Jail Superintendent, Lucknow Jail, having custody of the applicant accused Anil Mittal, to file a reply to the application. The reply be

*State Vs. Anil Mittal: FIR No. 178/2017: PS EOW: U/S: 406/409/420/120B, IPC.*

also sent on the email Id of the Court  
“[READERACMMEASTKKD@GMAIL.COM](mailto:READERACMMEASTKKD@GMAIL.COM).”

The Jail Superintendent concerned or his representative shall also join the proceedings in the matter on NDOH through VC for oral submissions. The Jail superintendent/ his representative can join the VC proceedings at 2.00. p.m. on 28.08.2020 by using “Cisco webex meetings” app/web facility.

The URL/link of the meeting is as under:  
<https://delhidistrictcourts.webex.com/meet/readeracmmeastkkd>.

Copy of this order, along with copy of the application be sent to the Jail Superintendent concerned on the email ID of the jail, submitted by Ld. Counsel for the applicant.

Copy of the order be also given Dasti to the Ld. Counsel for serving the notice of application physically in Lucknow Jail, as prayed.

Matter be listed on 28.08.2020 at 2.00 p.m.

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**ACMM (EAST)/KKD/21.08.2020**

**IN THE COURT OF ACMM-EAST KKD DELHI**

**FIR No: 0306/2020**

**PS New Ashok Nagar**

**State Vs Sanjeev @ Puneet**

**21.08.2020**

**Through Video conferencing**

**Application for releasing vehicle bearing Registration No. DL  
5 SCF 7618 on superdari alongwith mobile phone of Samsung.**

Present: Ld. APP for the State through VC.

Sh. Puneet Saxena, ld. Counsel for applicant through  
VC.

Two replies are received from the IO. It has been stated in one of the replies that motorcycle in question was seized as case property because it had been used by the applicant accused and his associate to commit the offence. The motorcycle is lying in the Malkhana and IO does not have any objection if the motorcycle is released to the rightful owner.

In the second reply it has been stated that during personal search of accused Sanjeev @ Puneet one mobile phone Samsung of black colour was recovered which was seized as personal search item. It is also lying in Malkhana.

As the mobile phone of accused is not the case property and it is item which was seized in the personal search of accused, the mobile phone be released to the accused/applicant as per personal search memo.

In view of the judgement of Hon'ble High Court of Delhi in the case of Manjeet Singh Vs. State Crl. M.C. 4485/2013 and Crl. M.A. No. 16055/2013, the above said vehicle be also released to the

applicant on superdari on furnishing indemnity bond in the sum of Rs. 40,000/- (Rs. Forty thousand only) to the satisfaction of the IO. The superdar shall produce the vehicle in court during trial if required. The SHO/IO is further directed to ascertain and satisfy himself about the ownership of the vehicle in question and also to take the photographs of the case property alongwith the negatives duly authenticated and certified and a detailed punchanama be also prepared of the property before such release. It is also directed that the investigating officer shall keep on record the permanent address of the applicant, his/her identity proof, his/her address proof as well as his/her phone number. It is further directed that the applicant shall join the investigation/trial as and when directed to do so and will also undertake that he/she will intimate to the court and address which he/she may change during the course of time. Photographs shall be placed on record alongwith the Negative/CD. If the photographs are taken from digital camera, there is no need to place negatives on record. The documents of the vehicle which are found genuine during investigation be also released to the rightful claimant. Application is disposed off accordingly.

Copy be sent to the applicant on his E-mail and order be uploaded on the server.

Applicant is directed to file the original application along with documents in the court within 2 days from today.

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**ACMM (EAST)/KKD/21.08.2020**

**IN THE COURT OF ACMM-EAST KKD DELHI**

**FIR No: 18740/2020**  
**PS Preet Vihar**  
**State Vs Unknown**  
**21.08.2020**

**Through Video conferencing**  
**Application for releasing vehicle bearing Registration**  
**No. DL 7SBT 7845 on superdari.**

Present: Ld. APP for the State through VC.  
Sh. Lokesh Sharma, applicant through VC.  
Reply is received from the IO.  
Submission heard. Reply perused.

In view of the judgement of Hon'ble High Court of Delhi in the case of Manjeet Singh Vs. State CrI. M.C. 4485/2013 and CrI. M.A. No. 16055/2013, the above said vehicle be released to the applicant on superdari on furnishing indemnity bond in the sum of Rs. 30,000/- (Rs. Thirty thousand only) to the satisfaction of the IO. The superdar shall produce the vehicle in court during trial if required. The SHO/IO is further directed to ascertain and satisfy himself about the ownership of the vehicle in question and also to take the photographs of the case property alongwith the negatives duly authenticated and certified and a detailed puchanama be also prepared of the property before such release. It is also directed that the investigating officer shall keep on record the permanent address of the applicant, his/her identity proof,

his/her address proof as well as his/her phone number. It is further directed that the applicant shall join the investigation/trial as and when directed to do so and will also undertake that he/she will intimate to the court and address which he/she may change during the course of time. Photographs shall be placed on record alongwith the Negative/CD. If the photographs are taken from digital camera, there is no need to place negatives on record. The documents of the vehicle which are found genuine during investigation be also released to the rightful claimant. Application is disposed off accordingly.

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**ACMM (EAST)/KKD/21.08.2020**