

FIR No202/19
PS Laxmi Nagar
State Vs. Kayum
21.09.2020

In view of the directions contained in the Office Order No.26/DIIC/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 present bail application is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through video conferencing).
Sh. Mohit Bhardwaj, Ld. Counsel for applicant/accused (through video conferencing).

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

Reply filed by the IO. Same is perused.

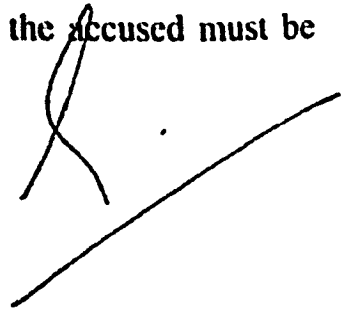
Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that accused has been falsely implicated in the present case & prays for grant of bail. 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 earlier bail applications of the accused have been dismissed by Ld. MM and Ld. ASJ. It is further submitted that accused may threaten the complainant and that he may tamper or hamper the evidence and jump the bail.

Heard. Documents perused.

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.

It is pertinent to mention here that the earlier bail applications moved on behalf of the accused have been dismissed by this Court vide order dated 18.06.2020 & 18.07.2020 and by the Court of Ld. ASJ vide order dated 20.08.2020. Thereafter, another bail application was moved on behalf of the accused before this Court which was dismissed as withdrawn vide order dated 18.09.2020. In fact, an application seeking early hearing of the case moved by the accused was allowed vide order dated 17.09.2020 upon the submissions that the counsel for accused wants to argue on the point of charge and prayed for pre-ponement of the date. Therefore, NDOH was pre-poned and the matter is now listed on 12.10.2020 for arguments on charge.

Hence, there has been no change of circumstances from the date of dismissal of the last bail application and the filing of the present application. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Kayum 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/KKB/Delhi/21.09.2020

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In view of the directions contained in the Order under No. 11111/1996
dated 30/07/2000 of the Hon'ble High Court of Madhya Pradesh and also under No. 11111
11111 dated 11/11/1996 dated 11/11/1996 of the Hon'ble High Court of Madhya Pradesh
the present bail application is taken up for hearing through video
conferencing.

Present: Ld. APP for the State (through vide to confer to imp)
Ld. Mohit Bhadani, Ld. Counsel for applicant/accused (through video
conferencing).

Under this order, I shall dispose of the application moved by accused
Rayan, seeking bail.

Reply filed by the CG, 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 accused has been
falsely implicated in the present case & prays for grant of bail. 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 earlier
bail applications of the accused have been dismissed by Ld. MM and Ld. ASJ. It is
further submitted that accused may threaten the complainant and that he may
tamper or hamper the evidence and jump the bail.

Heard, Documents perused.



The court is mindful of the fact that a general rule is to grant bail which is the right of the accused. However, the right of the accused is to be balanced with the general interest of the society and the future of the accused and the possibility of the witness tempering with the evidence. The application is filed in the presence of the threat to witnesses and the possibility of the accused fleeing the country are the factors which cannot be ignored.

It is pertinent to mention here that the earlier bail applications moved on behalf of the accused have been dismissed by this Court vide order dated 18.06.2020 & 14.07.2020 and by the Court of Ld. J.J. vide order dated 29.08.2020.

Thereafter, another bail application was moved on behalf of the accused before this Court which was dismissed as withdrawn vide order dated 12.10.2020. In fact, an application seeking early hearing of the case moved by the accused was allowed vide order dated 17.09.2020 upon the submissions that the counsel for accused wants to argue on the point of charge and prayed for pre-ponement of the date. The NDOH was pre-poned and the matter is now listed on 12.10.2020 for arguments on charge.

Hence, there has been no change of circumstances from the date of dismissal of the last bail application and the filing of the present application. Hence I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Kayum 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/21.09.2020

File No. 11/20
P.S. No. 1000
10/09/20

In view of the directions contained in the Office Order no. 56/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and also order no. 566/75/D&S.J (East)/K.K.D/Delhi dated 29.08.2020 of Ed. District & Sessions Judge, East, the present application is taken up for hearing through video conferencing.

Present: None.

This is an application moved U/Sec. 207 Cr.P.C on behalf of accused for supplying the copy of the charge-sheet.

It is submitted by the Naib Court that the charge-sheet in this case has not been filed as yet.

Heard.

In view of these circumstances, the present application is infructuous and hereby dismissed accordingly.

Application stands disposed of.

(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.09.2020

1. FIR No. 316/20
PS. Laxmi Nagar
21.09.2020

In view of the instructions issued by Hon'ble Court No.26/DHC/2020 Dated 30.07.2020 and Hon'ble High Court of Delhi in office order no. 5566-75/D&SJ (East) HKD Delhi dated 20.08.2020 of Jd District & Sessions Judge, East, the present application is taken up for hearing through video conferencing.

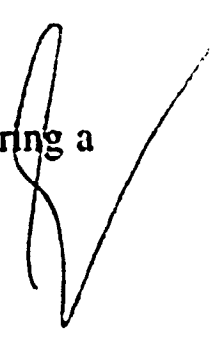
Present: Sh. Ram Kanwar, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. DL-1LP-4798 (Chota Hati Tata Motors) 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-1LP-4798 (Chota Hati Tata Motors) 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 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



1. 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.
2. Owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. DL-11P-4/98 (Chota Hati Tata Motors) before IO/IO concerned.
3. 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.
4. 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.
5. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
6. 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/21.09.2020