

27.07.2020

Present:- None for complainant in person.

An application u/s 156(3) alongwith a complaint u/s 200 Cr.PC. had been moved by the complainant against the accused persons with a prayer that the complaint be sent to the concerned PS for registration of FIR. In view of application u/s 156(3), status report was summoned from the concerned PS. Subsequently, arguments of Ld. Counsel for the complainant on the said application were heard through Video Conferencing vide Webex Meeting. The case is fixed for orders today.

ORDER

I have carefully perused the complaint and application u/s 156(3) Cr.P.C. as well as the other material on record. I have also perused the status report filed by the IO, as per which the matter is civil in nature and it is also mentioned in the status report that matter has already been settled between the parties and some part payment has also been made to the complainant by the accused persons.

Briefly put, the facts of the present case are as follows. The complainant has stated in his complaint that on 10.04.2017 an agreement to sell was executed between him and accused No. 2 in respect of property area measuring 50 sq. yards in property bearing No. U-249, U-Block, Shakarpur, Delhi-92 for a consideration of Rs. 89 Lakhs. The complainant has further stated that on the same day, he paid Rs. 15 lakhs as earnest money by way of cheque and account transfer to the accused and the accused assured the complainant



that sale deed of the property would be executed on or before 11.07.2017. The complainant has further stated that thereafter on the request of the accused persons he had also paid another sum of Rs. 15 lakhs in cash, in installments between May-June 2017. The complainant has alleged that on 01.07.2017 he came to know that the accused is neither the owner of the above mentioned property nor having the right to sell the above mentioned property. The complainant has stated in his complaint that on 01.07.2017 itself, he called the accused persons at his office at Laxmi Nagar and confronted them, upon which the accused persons disclosed to him that in fact one collaboration agreement was executed between the accused persons and third party. The complainant has further stated that the accused agreed to return the amount of Rs. 30 Lakhs to him and issued seven post dated cheques for the total amount of Rs. 30 lakhs (details of the cheques are mentioned in the complaint). The complainant has alleged that on 16.02.2018 when he presented the above said cheques, they were dishonoured for the reason 'payment stopped by drawer'. The complainant has alleged that when he confronted the accused persons regarding the dishonor of above mentioned cheques, they threatened him and told him to forget about the money. The complainant has stated in his complaint that one complaint U/s 138 NI Act has been filed by him against the accused No. 2 which is pending. The complainant has also stated that subsequently he also lodged a written complaint to the DCP but no action was taken. During arguments, the complainant also mentioned that in the above mentioned complaint case U/s 138 NI Act which is pending in another court, the accused persons had entered into a



settlement with him, but at present coercive process has been issued against them.

In this regard it becomes imperative to keep in consideration the circumstances, when such an application should be entertained by the court. In ***Ms. Skipper beverages P.Ltd. Vs. State 2002 Cri. L.J. NOC 333 (Delhi)***, the circumstances when the powers of magistrate U/s 156 (3) Cr.P.C should be exercised, has been explained. It was held that:

*"Section 156 empowers Magistrate to direct police to register case and initiate investigation but this power had to be exercised judiciously not in mechanical manner. Those cases, where allegations are not very serious and complainant himself in possession of evidence to prove allegation, there should be no need to pass order U/s 156 Cr.P.C". But, cases where Magistrate is of view that nature of allegation is such that complainant himself may not be in position to collect, and produce evidence before court, and interest of justice demand that police should step into to help complainant, police assistance can be taken".*

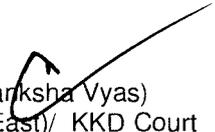
However after perusal of the material on record and after hearing the submissions of counsel, it is clear that the identity of the accused persons is known to the complainant and all the facts and circumstances of the case, also appear to be within the knowledge of the complainant and evidence can be conveniently taken without assistance of police investigation. It has been similarly held in **Gulab Chand Upadhyaya Vs State Of U.P. And Ors. 2002 CriLJ 2907** that:-

*"where the complainant is in possession of the complete details of all the accused as well as the witnesses who have to be examined and neither recovery is needed nor any such material evidence is required to be collected which can be done only by the police, no "investigation" would normally be required and the procedure of complaint case should be adopted."*



So, in the facts of the present case, there appears no requirement of police investigation. Further, if there is any need, police inquiry can be had u/s 202 Cr.P.C. Accordingly with the above observations, application u/s 156(3) Cr.P.C. is dismissed.

However I take cognizance of the offence u/s 200 Cr.P.C. The case be re-listed for pre-summoning evidence. The complainant is directed to produce evidence and witnesses at his own efforts. Put up for PSE for 09.11.2020. Copy of this order be uploaded on the site of Delhi District Courts, today itself.

  
(Aakarsha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

27.07.2020

Present:- None for complainant in person.

An application u/s 156(3) alongwith a complaint u/s 200 Cr.PC. had been moved by the complainant against the accused persons with a prayer that the complaint be sent to the concerned PS for registration of FIR. In view of application u/s 156(3), status report was summoned from the concerned PS. Subsequently, arguments of Ld. Counsel for the complainant on the said application were heard through Video Conferencing vide Webex Meeting. The case is fixed for orders today.

ORDER

I have carefully perused the complaint and application u/s 156(3) Cr.P.C. as well as the other material on record. I have also perused the status report filed by the IO.

Briefly put, the facts of the present case are as follows. The complainant has stated in his complaint that the authorised representative namely Jaspal Singh of the accused persons appeared before his office on 06.01.2015 and showed to him very attractive brochures of commercial offices and induced to the complainant to book a unit in the project of the accused persons. The complainant has further stated that he was assured that the company i.e. accused No. 5 namely M/s Granite Hills Pvt. Ltd. Will deliver the possession of the unit booked by the complainant, within 3 years and the said unit will have all necessary facilities. The complainant has alleged that on the above said assurance, he paid a total sum of Rs. 4,65,089/-



through various cheques (details of the cheques are mentioned in the complaint). The complainant has alleged that despite the payment made by him and despite the expiry of the specific time period stipulated by the accused for the delivery of possession of the unit booked by him, the accused persons have not completed the project and also not returned the money paid by the complainant.

In this regard it becomes imperative to keep in consideration the circumstances, when such an application should be entertained by the court. In ***Ms. Skipper beverages P.Ltd. Vs. State 2002 Cri. L.J. NOC 333 (Delhi)***, the circumstances when the powers of magistrate U/s 156 (3) Cr.P.C should be exercised, has been explained. It was held that:

*"Section 156 empowers Magistrate to direct police to register case and initiate investigation but this power had to be exercised judiciously not in mechanical manner. Those cases, where allegations are not very serious and complainant himself in possession of evidence to prove allegation, there should be no need to pass order U/s 156 Cr.P.C". But, cases where Magistrate is of view that nature of allegation is such that complainant himself may not be in position to collect, and produce evidence before court, and interest of justice demand that police should step into to help complainant, police assistance can be taken".*

However after perusal of the material on record and after hearing the submissions of counsel, it is clear that the identity of the accused persons is known to the complainant and all the facts and circumstances of the case, also appear to be within the knowledge of the complainant and evidence can be conveniently taken without assistance of police investigation. It has been similarly held in **Gulab Chand Upadhyaya Vs State Of U.P. And Ors. 2002 CriLJ 2907** that:-

*"where the complainant is in possession of the complete*



*details of all the accused as well as the witnesses who have to be examined and neither recovery is needed nor any such material evidence is required to be collected which can be done only by the police, no "investigation" would normally be required and the procedure of complaint case should be adopted."*

So, in the facts of the present case, there appears no requirement of police investigation. Further, if there is any need, police inquiry can be had u/s 202 Cr.P.C. Accordingly with the above observations, application u/s 156(3) Cr.P.C. is dismissed.

However I take cognizance of the offence u/s 200 Cr.P.C. The case be re-listed for pre-summoning evidence. The complainant is directed to produce evidence and witnesses at his own efforts. Put up for PSE for 10.11.2020. Copy of this order be uploaded on the site of Delhi District Courts, today itself.

  
(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 08, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.72/2019  
P.S.: Krishna Nagar  
U/s: 420 IPC  
State Vs. Sartaj Ali

27.07.2020

Fresh application for interim bail from 29.07.2020 to 01.08.2020, on behalf of accused, received by way of email.

Present : Ms. Nikita Bansiwala, Ld.Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.72/2019  
P.S.: Krishna Nagar  
U/s: 420 IPC  
State Vs. Mohd. Rijwan

27.07.2020

Fresh application for interim bail from 29.07.2020 to 01.08.2020, on behalf of accused, received by way of email.

Present : Ms. Nikita Bansiwai, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.0306/2020  
P.S.: Shakarpur  
U/s: 25/54/59 Arms Act  
State Vs. Sunny Singh

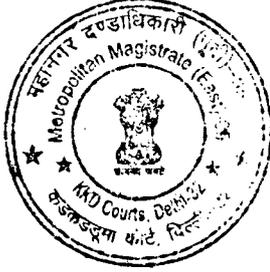
27.07.2020

Fresh application for bail U/s 437 Cr.P.C on behalf of accused, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकंशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 05, द्वितीय तल  
Court No. 05, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.178/2020  
P.S.: PIA  
U/s: 411/482 IPC  
State Vs. Dimple Chauhan

27.07.2020

Fresh application for release of vehicle bearing No. DL-3CBY-0132, on behalf of applicant, on superdari, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकाशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.000566/2020  
P.S.: PIA  
U/s: 379/411 IPC

27.07.2020

Fresh application for release of mobile phone VIVO white colour on behalf of applicant, on superdari, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.0060/2020  
P.S. PIA  
U/s 279/337 IPC

27.07.2020

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

Ld. Counsel for the applicant is also present through Video Conferencing.

Ld. Counsel for accused seeks adjournment to furnish FD in the sum of Rs. 50,000/-.

At request, re-list for 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 08, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

e-FIR No.ED-PIA-000545  
P.S.: PIA  
U/s: 379/411  
State Vs. Unknown

27.07.2020

Fresh application for release of mobile, on behalf of applicant, on superdari, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 08, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No. ED-SP-000513  
State vs. Waseem  
U/s 379 IPC  
PS Shakarpur

27.07.2020

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is available for hearing through Video Conferencing.

None for applicant in person.

The present application for release of mobile phone Samsung Galaxy on Superdari has been filed by the applicant.

Reply has been filed under the signature of HC Harish wherein it is submitted that there is no objection for the release of the mobile phone to the **rightful owner**.

In view of the no objection of the IO, oral arguments of Ld. Counsel for applicant are dispensed with.

In these circumstances the aforesaid mobile phone be released to the rightful owner only subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, IMEI number, ownership and other necessary details of the mobile phone:
2. IO shall take the colour photographs of the mobile phone from different angles.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the value / bill / receipt of the mobile phone to the satisfaction of the concerned IO/ SHO subject to verification of documents.

Copy of this order be sent to Ld. Counsel for applicant on his email ID and a copy be also sent to the SHO PS concerned for compliance.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 05, द्वितीय तल  
Court No. 05, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-110002  
Karkardooma Courts, Delhi-110002

FIR No. 36/20  
State vs. Ameer Paswan  
U/s 392/411/34 IPC  
PS PIA

27.07.2020

Present:- Ms. Nikita Bansibal, Ld. Substitute APP for the State is available for hearing through VC.

None for applicant in person.

Reply of IO received. Perused.

Let jamatalashi articles only, be released to the applicant as per personal search memo, if the same are not required for investigation. The application stands disposed off accordingly.

Copy of this order be sent to SHO PS concerned and copy of this order be sent through e-mail to the applicant.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-06  
Metropolitan Magistrate (East)-06  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No. 535/19  
State vs. Md. Nawaz Sarif  
U/s 379 IPC  
PS Krishna Nagar

27.07.2020

Present : Ms. Nikita Bansiwai, Ld. Substitue APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

The present application for release of mobile phone VIVO Black Colour on Superdari has been filed by the applicant.

Reply has been received under the signature of HC Adesh Kumar wherein it is submitted that there is no objection for the release of the mobile phone to the **rightful owner**. In view of the no objection of IO, oral arguments of Ld. Counsel for applicant are dispensed with.

In these circumstances the aforesaid mobile phone be released to the rightful owner only subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, IMEI number, ownership and other necessary details of the mobile phone:
2. IO shall take the colour photographs of the mobile phone from different angles.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the value / bill / receipt of the mobile phone to the satisfaction of the concerned IO/ SHO subject to verification of documents.

Copy of this order be sent to Ld. Counsel for applicant on his email ID and a copy be also sent to the SHO PS concerned for compliance.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-06  
Metropolitan Magistrate (East)-06  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

e-FIR No. ED-PIA-000553  
State vs. Sareef  
U/s 379 IPC  
PS PIA

27.07.2020

Present : Ms. Nikita Bansiwali, Ld. Substitue APP for the State is present through Video Conferencing.

None for applicant in person.

The present application for release of mobile phone **VIVO Black Colour** on superdari has been filed by the applicant.

Reply has been filed under the signature of HC Bhupender Singh wherein it is submitted that there is no objection for the release of the mobile phone to the **rightful owner**.

In view of the no objection of the IO, oral arguments of Ld. Counsel for applicant are dispensed with.

In these circumstances the aforesaid mobile phone be released to the rightful owner only subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, IMEI number, ownership and other necessary details of the mobile phone:
2. IO shall take the colour photographs of the mobile phone from different angles.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the value / bill / receipt of the mobile phone to the satisfaction of the concerned IO/ SHO subject to verification of documents.

Copy of this order be sent to Ld. Counsel for applicant on his email ID and a copy be also sent to the SHO PS concerned for compliance.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 08, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-110032

e-FIR No.015602/2020  
State vs. Vishal  
U/s 379/411 IPC  
PS Krishna Nagar

27.07.2020

Present : Ms. Nikita Bansiwala, Ld. APP Substitute for the State is available for hearing through Video Conferencing.  
None for applicant in person.

The present application for release of vehicle DL-8S-AV-3801 (Scooty Activa) on Superdari has been filed by the applicant.

Reply has been received under the signature of HC Adesh Kumar wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.

In view of the no objection of IO, oral arguments of Ld. Counsel for applicant are dispensed with.

The Hon'ble High Court has observed in *Manjit Singh V. State* CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014 as follows:

**"Vehicles"**

1. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle; valuation report; and a security bond.
2. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should be sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle be released to the **rightful owner only** subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle;
2. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the SHO PS concerned for compliance.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकंशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.015075/20  
State vs. Unknown  
U/s 379 IPC  
PS Shakarpur

27.07.2020

Present : Ms. Nikita Bansibal, Ld. Substitute APP for the State is  
available for hearing through VC.

None for applicant in person.

This is an application for release of vehicle on superdari.  
Reply of IO has also been received. Application perused. Reply of IO  
also perused. As per the reply of IO, the present FIR pertains to PS:  
Laxmi Nagar which does not fall within the territorial jurisdiction of this  
court. Hence, the present application is dismissed for want of  
territorial jurisdiction.

Copy of this order be sent to Ld. Counsel for applicant  
through email.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडदूमा कोर्ट, दिल्ली-32  
Karkardooma Court, Delhi-32

e-FIR No.015602/2020  
State vs. Vishal  
U/s 379/411 IPC  
PS Krishna Nagar

27.07.2020

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is present through Video Conferencing.  
Ld. Counsel for accused is present through video conferencing.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused Vishal.

Bail application perused. Reply filed by IO also perused.

Counsel for the accused has submitted that accused is in JC since 23.07.2020. He has further submitted that accused has been falsely implicated in the present case. He has also submitted that accused has clear antecedents with no criminal background. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature.

Heard both the parties.

File perused. In the present case, the accused is in J/C since 23.07.2020. Case property in the present case has already been recovered. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused is admitted to Court bail on furnishing of personal bond in the sum of **Rs. 10,000/- with one surety in the like amount** subject to the conditions that:-

1. The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
3. He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to

Ld. Counsel for accused on his email ID.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.0313/2020  
State vs. Dheeraj  
U/s 363/511 IPC & 54/59 Arms Act  
PS Shakarpur

27.07.2020

Present : Ms. Nikita Bansiwala, Ld. Substitute APP for the State is present through Video Conferencing.

Ld. Counsel for accused is present through Video Conferencing

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of the accused Dheeraj

Bail application perused. Reply filed by IO also perused.

Counsel for the accused submits that accused is in JC since 22.07.2020. He has further submitted that accused has been falsely implicated in the present case. He has also submitted that accused is the sole bread earner of his family. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature.

Heard both the parties.

File perused. As per the reply of IO, the motorcycle used by the assailants at the time of commission of the offence in question belongs to the present accused and on his disclosure, remaining co-accused persons were arrested. Further, as per the reply of IO, the co-accused Madhupal has disclosed that present accused and co-accused Babar had attempted to abduct the victim and co-accused Babar is still absconding. The investigation in the present case, is at initial stage. In these circumstances, bail application is dismissed.

Copy of this order be sent to Ld. Counsel for applicant on his email ID.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No. 303/20  
State vs. Sachin Tyagi  
U/s 376 IPC  
PS Krishna Nagar

27.07.2020

Present : Ms. Nikita Bansiwala, Ld. Substitute APP for the State is present through Video Conferencing.

Ld. Counsel for accused is present through Video Conferencing.

At the request of Ld. Counsel, matter is adjourned for tomorrow i.e. 28.07.2020.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Courts, Delhi-32

FIR No.238/2020  
P.S.: Shakarpur  
U/s: 392/34 IPC  
State Vs. Rahul Raghav

27.07.2020

Fresh application for calling status report from Jail Superintendent, Mandoli Jail for non-releasing of accused, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

Application perused. Jail Superintendent, Mandoli Jail, Delhi is directed to submit report, as to why accused has not been released from Jail in the above mentioned matter, despite issuance of release warrant.

Re-list for 28.07.2020.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्व)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडूमा कोर्ट, दिल्ली-110002  
Karkardooma Court, Delhi-110002

State Vs. Shahzad  
Circle: VKC  
U/s: 115/190(2) 3/181 Moderate visualization. Act  
State Vs. Shahzad

27.07.2020

Fresh application for release of vehicle bearing No. UP-17P-8108 Scooty, on behalf of applicant, on superdari, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

The present matter pertains to Traffic Circle: Vivek Vihar which does not fall within the territorial jurisdiction of this court. Hence, the present application is dismissed for want of territorial jurisdiction.

Copy of this order be sent to Ld. Counsel for applicant through email.

(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020



आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 03, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-32  
Karkardooma Court, Delhi-32

FIR No.11069/20  
P.S.: e-police station, East(Shakarapur)  
U/s: 379 IPC  
State Vs. Unknown

27.07.2020

Fresh application for release of vehicle Scooter bearing No. DL7SBY6662, on behalf of applicant, on superdari, received by way of email.

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

IO/SHO of PS concerned to file reply on 28.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020

आकांशा व्यास  
AAKANKSHA VYAS  
महानगर दण्डाधिकारी (पूर्वी)-05  
Metropolitan Magistrate (East)-05  
कोर्ट नं. 05, द्वितीय तल  
Court No. 03, 2nd Floor  
कडकडडूमा कोर्ट, दिल्ली-110002  
Karkardooma Court, Delhi-110002

EFIR No.:032296/2018  
P.S. Krishna Nagar  
U/s:379/411 IPC  
State Vs. Mohd. Hasim

27.07.2020

Present : Ms. Nikita Bansawal, Ld. Substitute APP for the State is stated to be present through Video Conferencing.

None for applicant in person.

Re-list for 29.07.2020.



(Aakanksha Vyas)  
MM-05 (East)/ KKD Court  
Delhi/ 27.07.2020