

श्रीकेश मिश्रा
MAYANK MITTAL
महानगर न्यायालय-06
Metropolitan Magistrate-06
कक्षा नं. 37
Room No 37
आर्या, कानपुर, दिल्ली
Karkardooma Courts, Delhi

FIR NO. 129/2016
PS EOW New Delhi
U/s. 420/467/468/471/120B IPC
S/v. Ishma Arora

Present: 29.04.2020
Ld. APP for State through Video Conferencing.
LAC Sh. Gaurav Singh through Video Conferencing.

Present application has been filed for interim bail for three months
by applicant/accused Ishma Arora w/o Sh. Nitin Arora.
The IO has filed reply to the interim bail application.
Arguments heard on bail application.

It is argued by the Ld. Counsel for the applicant/accused that the
applicant/accused has been falsely implicated in the present matter and the
accused is a woman and is in JC since 03.12.2018. It is argued further that no
purpose would be served by keeping the applicant/accused in custody. It is
further argued that applicant has two minor children and both are living with her
old aged mother in law. It is further stated that the husband of the
accused/applicant is also in judicial custody. Benefit of interim bail is requested.

Ld. APP for the state has argued per contra and has opposed the
bail application on the ground that the offences against the applicant/accused
are serious in nature. The accused is also involved in many case. As per report
of the IO, there are 14 cases against the accused being investigated by CBI and
two cases including the present case being investigated by EOW.

The court is mindful of the fact that as a general rule it is the bail
and 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 the investigation. The possibility of witness tempering and the
apprehension of threat to witnesses are the factors which cannot be ignored.

In the case at hand, the accused was, as per the reply filed by the
IO, the accused is habitual offender. The accused is also involved in many
cases. The possibility of the applicant/accused committing similar offences
and the possibility of applicant/accused fleeing the process of law cannot be
ruled out.

Keeping in mind the totality of the facts and the circumstances I
deem appropriate to dismiss the bail application, as the same is not warranted
in the interest of justice.

Copy of order be given dasti.

5/5
Mayank Mittal (SHD)
Metropolitan Magistrate
Karkardooma Courts, Delhi
Karkardooma District, Kkd Courts,
Delhi





(Mayank Mittal)
Duty Metropolitan Magistrate
Shandara District Courts,
Delhi

29.04.2020
Present: Sh. J.P. Bansal, counsel for the applicant/accused through VC (video conferencing).
Ld. APP for State through VC.
(IO has not joined the VC at the time of hearing arguments on bail application).
Ld. Counsel for the applicant/accused has advanced his arguments on bail application and has submitted that present case is clear cut case for grant of bail.
Ld. APP has sought adjournment as IO has not briefed him and the reply of IO does not clearly mention whether TIP has been conducted or not in the present case.
Let copy of this order be sent to the concerned SHO through e-mail for directing the IO concerned to file reply regarding status of TIP and to be available for hearing on this bail application tomorrow i.e. 30.04.2020, at 12:30pm. Ld. APP, counsel for the accused, IO and all concerned are directed to be present through VC at on 30.04.2020, at 12:30pm.

शुद्ध मिति
MAYANK MITTAL
Metropolitan Magistrate-06
Room No 37
Karkardooma Courts, Delhi