

IN THE COURT OF ACMM -EAST KKD DELHI

State vs. Brij Gopal

FIR No: 136/2018

PS EOW

U/s: 420/467/468/471/120B, IPC

06.11.2020

This bail application under Section 437 Cr.P.C is marked to this court by ld. CMM (East). The present application has been taken up today through Video Conference.

Present: Ld. Sub. APP for the State through VC.

Sh. Yogesh Pachori, ld. counsel for the applicant/accused.

The accused is stated to be in JC.

Sh. Pankaj Singh, Ld. Counsel for the complainant.

IO SI Pawan from PS EOW.

Proceedings are conducted through VC.

Reply has already been filed by the IO.

Ld. counsel for the applicant/accused would argue that applicant/accused is innocent and he has been falsely implicated in the matter. The applicant always cooperated in the investigation. However, after expiry of two years, he has been arrested at the instance of the complainants who are police officials. The dispute between the parties had already been settled in mediation. Complainant Dharamveer had also paid Rs.80,00,000/- to the applicant as part of the settlement. However, even after the said

settlement, the applicant has been arrested at the instance of the complainants who are part of Delhi Police. The applicant had also filed a petition for quashing of the FIR. However, due to Covid-19 the petition is adjourned for 12.01.2021. The applicant has to support his family. No purpose would be served by keeping the applicant/accused behind bars. The applicant is ready to furnish sound surety. He is ready to abide by all the conditions which may be imposed by this Court. Hence, it is prayed that applicant may be released on bail.

Ld. APP has opposed the bail application. It has been argued, inter alia, that the allegations against the applicant/accused are serious in nature. As per the allegations, prima facie an offence punishable u/s 467, IPC is also made out, which provides punishment of life imprisonment. Hence, this court does not have jurisdiction to hear the applicant/accused on bail. It is prayed that bail application may be dismissed.

I have heard the submissions and perused the record

The allegations against the applicant/accused are that he got the property registered in his name on the basis of forged documents. The documents which are stated to be forged fall in the category of the documents mentioned under Section 467, IPC. On the basis of the material available on the record, prima facie, an offence punishable u/s 467, IPC is made out, which provides punishment of life imprisonment. It is prima facie shown that the

accused was in possession of documents which he knew or had reason to believe that they were forged documents. Section 437, Cr.P.C. provides power, inter-alia, of a magistrate to grant bail to an accused of commission of a non bailable offence. It provides that such an accused may be released on bail if there does not appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life. Hon'ble High Court of Delhi in *Court on its own motion Vs. State Criminal reference no. 1/2018*, decided on 13.11.2018 [(2018) 254 DLT 641 (DB)] has held that in the cases where the Court of Magistrate has reason to believe that the accused has committed an offence where the punishment is either the capital punishment, or imprisonment for life, the Magistrate cannot grant bail to such an accused. The Hon'ble High Court of Delhi in *Court on its own motion Vs. State, criminal reference no. 1/2017 dt. 24.10.2017* also has held that a magistrate can grant bail under section 437(1) Cr.P.C subject to the proviso therein in sub clause (i) or (ii). Thus, it has been held by the Hon'ble High Court that in cases where the punishment for an offence is death or life imprisonment, a magistrate cannot grant bail to an accused. Therefore, I am of the opinion that this court cannot grant bail to the accused. Hence the bail application of accused is dismissed as not maintainable before this Court and disposed of accordingly.

Copy be sent to the ld. 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.

The original record and proceedings be sent back to the Court of Ld. CMM East.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Pawan
FIR no. 025837/2020
PS New Ashok Nagar
U/s 379/411/34 IPC

06.11.2020

Two different applications u/s 437 Cr.P.C for grant of bail received on the E-mail ID of the court. The applications have been moved by different advocates. The applications have been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Nagendra Singh, Id. Counsel for the applicant/accused
in one of the bail application.

HC R.B. Tomar from PS New Ashok Nagar.

Reply is received from the IO.

Accused is stated to be in JC.

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 custody since 15.10.2020. It has been argued that investigation in the matter has already been completed and no fruitful purpose would be served by keeping the accused/applicant in J/C. 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.

Ld. APP has submitted that appropriate order as per law may be passed.

I have heard the submissions and perused the record.

The accused is shown to be in custody since 15.10.2020. 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 and the age of the accused/applicant, accused/applicant is hereby granted bail on furnishing bail bond in the sum of Rs. 10,000/- 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, both the bail applications of accused stand 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 ld. 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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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Rajesh @ Bangali
FIR no. 107/2020
PS New Ashok Nagar

06.11.2020

An application for release of accused on personal bond received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. S.N. Jha, ld. LAC for the applicant/accused.

Heard on application. Record perused.

The applicant/accused is in J.C since 25.07.2020.

Considering the nature of offence, circumstances of the case, period of the custody of the accused and the current prevailing situation in the country, it is directed that the accused be released on furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned.

With above directions, application of the accused 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 ld. LAC on his E-mail and order be uploaded on the server.

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

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Deepika Panwar
FIR no. 154/2010
PS Kalyan Puri

06.11.2020

An application for providing compensation from the State to the applicant is marked by Id. CMM (East). This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Ms. Akansha Dhiman, Id. Proxy counsel for the applicant.

The application be put up with the case file before the court on 18.11.2020 through physical hearing.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Anil Mittal
FIR no. 178/2017
PS EOW
U/s 406/409/420/120-B IPC

06.11.2020

An application u/s 437 Cr.P.C for grant of interim bail is marked to this court by ld. CMM (East), Delhi. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.
Sh. Aditya Jain, ld. Counsel for the applicant.
IO SI Pawan Kumar, from EOW.

It is informed that in the present case, charge sheet has already been filed.

Application be put up with the charge sheet on 07.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Jitender Narwat
FIR no. 218/2020
PS Preet Vihar

06.11.2020

An application for release of articles received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.
Sh. Tanvir Khan, ld. Counsel for the applicant.
Reply received from the IO.

As per the reply, the Nokia mobile phone was recovered from the accused and it was seized as case property. The phone has been sent to the FSL for examination. Therefore, the said mobile phone cannot be released to the applicant at present. Prayer in relation to the said mobile phone is therefore, declined.

It is stated in the report that mobile phone of Redmi Company was recovered during personal search of the applicant/accused. It is not a case property. Therefore, this mobile phone be released to the applicant/accused as per rules.

Application stands disposed of accordingly.

Copy of this order be given dasti.

Order be upload on server.

Original application be filed in the court within 2 days from today.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

Malbika Vs. Sunshine Trade Tower Pvt. Ltd.
FIR no. 264/2019
PS New Ashok Nagar

06.11.2020

An application for calling status report from the IO received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Sh. Rohit Kumar, Id. Counsel for the applicant.

HC R.B. Tomar, from PS New Ashok Nagar.

Status report is received from the IO.

Copy be sent on the Whatsapp number of the Id. Counsel.

Application stands disposed of.

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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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

Sanjay Samson vs. Ved Prakash
and
Sanjay Samson vs. Lalit

FIR no. 389/2019
PS Kalyan Puri
u/s 420/406/467/120-B/34 IPC

06.11.2020

Two separate applications seeking putting up of file and hearing in the bail cancellation applications are marked by Id. CMM (East), Delhi. The applications have been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Ravinder Singh, Id. Counsel for the complainant/applicant with applicant through VC.

The original applications are also brought by the Reader. They be tagged with this application.

The present applications are allowed.

The previous applications are taken up for hearing.

Notice of the applications be issued to the respondents/accused through IO and to the IO for next date of hearing.

Be listed for hearing on 24.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

Kuldeep Vs. State
FIR no. 417/2020
PS Kalyan Puri
U/s 363 IPC

06.11.2020

An application for conducting the ossification test of his wife Karina moved on behalf of the applicant Kuldeep is marked to this court by Id. CMM (East), Delhi. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Manoj Kumar Sharma, Id. Counsel for applicant.

IO absent.

Notice of this application be issued to the IO.

IO shall join the proceedings through VC on 09.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Dhiraj Sharma & Anr.
FIR no. 732/2015
PS Pandav Nagar

06.11.2020

An application for arrest of accused by cancelling the bail is marked to this court by Id. CMM (East). This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Ms. Gyan Mitra, Id. Counsel for the applicant.

IO Ins. Pankaj Arora through VC.

Respondent/accused are absent.

IO submits that he had informed the accused persons regarding the present application.

Fresh notice be issued to the respondents/accused through IO for next date of hearing.

Be listed on 17.11.2020.

(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

At this stage, both the respondents have joined the proceedings through VC along with Id. Counsel Sh. Vishal Mishra. They are apprised of the court proceedings. Be listed on the date fixed i.e. 17.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Unknown
E FIR no. 003268/2020
PS New Ashok Nagar

06.11.2020

An application for release of vehicle no DL-14SJ-5527 on superdari received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Vijender Kumar, Id. Counsel for the applicant.

The IO is directed to file the report whether the complainant has received the Insurance money from the Insurance Company or not.

The report be filed on next date of hearing.

Be listed on 18.11.2020.

Copy of the order be sent to the SHO concerned for necessary compliance.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Unknown
FIR no. 029185/2020
PS Preet Vihar

06.11.2020

An application for release of vehicle no DL-7S-CG-0761 on superdari received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Anil Payal, Id. Counsel for the applicant.

No report is received from the IO as directed on the last date of hearing.

The IO is directed to file the report whether the complainant has received the Insurance money from the Insurance Company or not.

The report be filed on next date of hearing.

Be listed on 10.11.2020.

Copy of the order be sent to the SHO concerned for necessary compliance.

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**(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020**

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Unknown
E. FIR no. 035544/2017
PS New Ashok Nagar

06.11.2020

An application for release of vehicle no DL-11SK-2256 on superdari received on the E-mail ID of the court. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br./East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. APP for the State.

Sh. Anil Payal, Id. Counsel for the applicant.

No report is received from the IO as directed on the last date of hearing.

The IO is directed to file the report whether the complainant has received the Insurance money from the Insurance Company or not.

The report be filed on next date of hearing.

Be listed on 10.11.2020.

Copy of the order be sent to the SHO concerned for necessary compliance.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

CC no 52534/2016

Sushma Arora vs. Sanjay Gupta & Ors.

PS Kalyan Puri

06.11.2020

An application for release of amount of compensation moved on behalf of the complainant is marked to this court by Id. CMM (East), Delhi. This application has been taken up today through Video Conference according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5760-5780/Judl.Br. /East/KKD/Delhi dated 27.10.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Sh. Gaurav Vashisht, Ld. Counsel for the applicant.

Report is received from the SHO.

Be listed for consideration through physical hearing on
18.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/06.11.2020