

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

FIR no. 0156/2020
PS New Ashok Nagar

07.11.2020

An application for release of vehicle no JH-02AR-3322 (Ambulance) 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.

None for the applicant.

List this application for consideration on 17.11.2020.

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Date: 2020.11.07

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ACMM (EAST)/KKD/07.11.2020

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

07.11.2020

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/accused.

IO SI Pawan Kumar, from EOW.

Reply is received from the IO.

Charge sheet has also been brought. Soft copies available.

Accused is stated to be in JC.

Submissions on interim bail application heard.

It is stated by learned counsel for accused/applicant through VC that the accused has been facing the trial in the present case. He is suffering with various illnesses. Earlier also, he was granted interim bail by ld. Sessions Judge for a period of 8 weeks. He had not misused the bail granted to him. He has been found positive with Covid-19 on two occasions. He has very weak immunity. He has to undergo medical treatment. Hon'ble Supreme Court of India has also granted him interim bail for his medical treatment for a period of 30

days in another case vide order dated 03.11.2020 in CrI. Appeal no. 726/2020. Hence, it is prayed, that accused/applicant may be granted interim bail for a period of 30 days.

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

I have heard the submissions and perused the record.

The charge sheet in the present case has been filed for offences punishable, inter alia, u/s 409 IPC, which provides sentence for life. Section 437 Cr.P.C provides that in case of a child below 16 years of age, a woman, a sick or infirm, a Magistrate can grant bail to an accused in cases where the punishment of the offence is death or life imprisonment. In the present case, the material on record including the order of the Hon'ble Supreme Court as mentioned hereinabove, is sufficient to show that the accused falls in the category of sick and therefore, his bail application is maintainable before this court. His custody is not required for further investigation. Considering the prevalent situation in the country, circumstances of the case, ill-health of the applicant and his medical condition, accused/applicant **Anil Mittal** is hereby granted interim bail for a period of 30 days from the date of his release on furnishing bail bond in the sum of Rs. 50,000/- with two sureties of like amount, with the following directions : -

1. He will surrender before the concerned Jail Superintendent after expiry of interim bail period.
2. He shall not change his address without intimation to the Court.
3. He will not try to influence the witnesses.

4. He will not leave the country without prior permission of the court.

5. 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 Anil Mittal 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. Counsel for the applicant on his E-mail and order be uploaded on the server.

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

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(DINESH KUMAR)
ACMM (EAST)/KKD/07.11.2020

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

State vs. Sumit Gupta
FIR no. 220/2020
PS Preet Vihar

07.11.2020

An application for release of vehicle no DL-7S-BA-4069, DL and RC of the said vehicle 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.

Ms. Slika, ld. Counsel for the applicant.

HC Manoj from PS Preet Vihar on behalf of the IO.

HC Manoj submits that no pollution certificate of the vehicle was found inside the vehicle.

At this stage, ld. Counsel for the applicant also submits that the PUC was not traceable.

The IO is directed to conduct an inquiry to find out whether there was a valid PUC of the vehicle in question or not on the date of accident.

Report be filed on the next date of hearing.

Be listed on 21.11.2020.

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**(DINESH KUMAR)
ACMM (EAST)/KKD/07.11.2020**

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

State vs. Rahul @ Chuha
FIR no. 248/2020
PS New Ashok Nagar

07.11.2020

An application for release of vehicle 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.

None for the applicant despite several pass-overs.

List this application for consideration on 10.11.2020.

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**(DINESH KUMAR)
ACMM (EAST)/KKD/07.11.2020**

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

State vs. Rajpal Kaler
FIR no. 0392/2020
PS Pandav Nagar
u/s 419/406/120-B/420/34 IPC

07.11.2020

An application u/s 437 Cr.P.C for grant of bail 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. Ankit Gupta and Sh. Rajiv Pratap Singh, Id. Counsel
for the applicant/accused.

IO ASI Shailesh from Special Cell.

Accused is stated to be in J.C.

Proceedings are conducted through VC.

Ld. counsel for the applicant/accused would argue that applicant/accused is innocent and he has been falsely implicated in the matter. The accused is not named in the FIR. The record does not show any connection between the accused and the co-accused persons arrested by the police. There is delay of more than 6 years in registration of FIR. However, in the FIR, it is mentioned that there is no delay. No evidence has been collected by the police to show the involvement of the accused. The accused had been working in Axis Bank and thereafter, in Kotak Mahindra Bank at the relevant time. He is a victim

of the crime as his Voter I-card was forged and used by some person without his knowledge and consent. There is no criminal record of the accused. No purpose would be served by keeping the applicant/accused behind the bars. The applicant is ready to furnish sound surety. He undertakes to participate in the investigation as and when required. 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. The name of the accused is not mentioned in the FIR because at the time of registration of the FIR, the complainant was not aware about the team members of the cheating gang. During investigation, it has been surfaced that the accused had misused his position in the banks and opened fake accounts which were used to get the money transferred from the victim and thereafter, the money was withdrawn. The accused had also opened a bank account in the name of a firm M/s PPE Impex, in which the complainants had transferred amount as requested by the members of the cheating gang. The introducer has stated in his statement that the accused was the same person who got opened the said account. There is another witness named Dharmender, who was junior of the accused in Tilak Nagar Branch of the bank. He has stated that at one time, the accused had got transferred Rs. 1,25,000/- in his bank account stating that he had to receive the said payment and he could not have taken the payment in his salary account. Therefore, the amount was got transferred in his personal account, which was withdrawn by the accused. He was paid Rs. 2,000/-. It is therefore, sufficient to show that accused Rajpal Kaler

was also part of the team involved in cheating various persons including the complainant. The investigation is at initial stage. The accused might run away, if he is released on bail. He might also influenced the witnesses and destroy the evidence, if released on bail. It is prayed that bail application may be dismissed.

I have heard the submissions and perused the record.

Perusal of the record would show that the accused is in custody since 09.10.2020. The investigation is at initial stage. The complainant is shown to have made the complaint once he came to know that he was cheated. Prima facie there does not appear to be any unreasonable delay. The material shown to be collected by the IO during investigation prima facie show the active involvement of the accused in the crime. There are statements of the witnesses shown to be recorded by the IO to prima facie show that the accused was also part of the gang involved in cheating the complainant. I find merits in the submissions of Id. APP. I am not inclined to grant bail to the accused at this stage. Hence the bail application of accused is dismissed and disposed of accordingly.

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 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.

(DINESH KUMAR)
ACMM (EAST)/KKD/07.11.2020

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

State vs. Upasana Singh
FIR no. 566/2017
PS New Ashok Nagar

07.11.2020

An application for direction to seize the passport of the accused persons is received 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.

None for the applicant despite several pass-overs.

List this application for consideration on 18.11.2020.

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

State vs. Not Known
FIR no. 042167/2019
PS New Ashok Nagar

07.11.2020

An application for release of vehicle no. DL-7S-BS-4699 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.

None for the applicant despite several pass-overs.

List this application for consideration on 10.11.2020.

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(DINESH KUMAR)
ACMM (EAST)/KKD/07.11.2020

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

State vs. Shahjad
FIR no. 46185/2018
PS New Ashok Nagar

07.11.2020

An application for release of RC of vehicle No. DL-5S-AZ-3765 on superdari is received 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.

File has been taken up on the above-mentioned application.

Present : Ld. APP for the State.

Sh. Mohd. Javed, Id. Counsel for applicant Taushif.

Ld. Counsel submits that applicant Taushif was surety of the accused and he had submitted RC of his vehicle at the time of furnishing surety bond, which was retained by the court. The matter has already been decided, hence, it is prayed that original RC may be released to the applicant.

Heard. File perused.

Perusal of the record would show that the matter has already been disposed of vide order dated 18.12.2019. Surety bond has already been canceled. In these circumstances, the original RC of the vehicle be released to him as per law, against proper receipt, after canceling the endorsement if any.

The application is disposed of accordingly.

File be consigned to Record Room.

Order be uploaded on server.

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

(DINESH KUMAR)

DINESH Digitally signed by **ACMM (EAST)/KKD/07.11.2020**
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