

FIR NO. 534/2020  
PS Seema Puri  
U/s. 392/34 IPC

08.12.2020

Present: Sh. Narender Bhukal, Ld. APP for State through webex VC.  
Sh. Javed Khan, Id counsel for the complainant through webex VC.

This bail application U/s. 437 Cr.P.C. is moved on behalf of accused Mahir.

Reply filed by the IO.

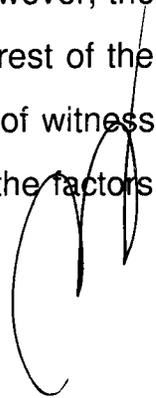
Arguments heard. Record perused

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 in JC since 04.12.2020. It is argued further that no purpose would be served by keeping the applicant/ accused in custody. Benefit of 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.

Submissions heard.

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. As per report of IO, the accused has been arrested after identification of the accused by the secret informers for showing them the CCTV footage. Considering the fact that the accused has allegedly committed the offence alongwith CCL, this court is not inclined to grant bail to the present applicant. Accordingly, present application is dismissed.

Copy of order be given dasti.

  
(Mayank Mittal)  
Metropolitan Magistrate-06 (SHD)  
Karkardooma Court/Delhi/08.12.2020

u  
FIR NO. 530/2020  
PS Seema Puri  
U/s. 33 Delhi Excise Act

08.12.2020

Present: Sh. Narender Bhukal, Ld. APP for State.

Sh. Ravinder Kumar, Id counsel for applicant/accused through webex VC.

An application under Section 437 Cr.P.C is moved on behalf of accused Sunil for grant of bail.

Arguments heard on bail application.

Accused is in JC since 02.12.2020. Recovery has already been effected. No further custodial interrogation is required from the accused. I see no reason to detain the accused further in custody.

In the totality of facts and circumstances, the accused is admitted to bail subject to furnishing bail bond in a sum of Rs.15,000/-with one surety in the like amount subject to following conditions:

- i. That he shall not indulge into similar offence or any other offence in the event of release on bail;
- ii. That he shall not tamper with evidence in any manner;
- iii. That in case of change of his residential address, he shall intimate the Court about the same; and
- iv. That he shall regularly appear before this court on each and every date of hearing.

The application stands disposed off accordingly.

  
(Mayank Mittal)  
Metropolitan Magistrate-06 (SHD)  
Karkardooma Court, Delhi/08.12.2020

DD NO. 21A  
PS Geeta Colony  
State vs Laltoo @ Abdul

08.12.2020  
Present: None.

Let the Kalandra be kept in record by Ahlmad with direction to tag the same as and when chargesheet filed.



(Mayank Mittal)  
Metropolitan Magistrate-06 (SHD)  
Karkardooma Court/Delhi/08.12.2020

7  
FIR NO. 213/2020  
PS Darya Ganj  
UTP Suresh  
Jail No. 14

08.12.2020  
Present: None.

Report perused.

Deputy Suptt. has not mentioned in the report the next date fixed for further medical examination of accused Suresh.

Let further medical status report of accused Suresh be filed on 19.12.2020.

Let notice be issued to Jail Suptt. concerned in this regard.

  
(Mayank Mittal)  
Metropolitan Magistrate-06 (SHD)  
Karkardooma Court/Delhi/08.12.2020

2  
FIR NO. 523/16  
PS Gandhi Nagar  
FIR NO. 503/16  
U/s. Krishna Nagar  
UTP Ram Niwas  
Jail NO.12

08.12.2020  
Present: None.

Report perused.

As per report, on 28.11.2020 during morning lock down, when Ramniwas did not respond during the counting, he was repeatedly called 3-4 times, over which he woke up and yelled on duty ward Incharge and barrack sahayak. Further, it is mentioned that subsequently, Ram Niwas became violent, abusive and started misbehaving with jail staff. Further, he threatened to lodge false complaint and to inflict self injuries.

It is mentioned that after the said incident he was brought internal control room where he was pacified, counselled and later a punishment ticket was registered against him. Further, it is mentioned that UTP Ram Niwas is involved in multiple cases and have multiple jail entries. It is mentioned that multiple jail punishment entries for violating the jail rules. Further, a history of backache and abdominal pain of UTP Ram sewak is also mentioned in the report.

The only fact that a UTP is involved in number of criminal cases and number of previous entries for violating the jail rules have been registered, does not make him liable of beatings being given by Jail Staff.

The report filed by DS is found to be unsatisfactory. Let a report be called from DG (Prisons) in the present matter.

Report filed must include the analysis of CCTV footage, if CCTV are installed at the relevant place.

Put up on 15.12.2020.

(Mayank Mittal)  
Metropolitan Magistrate-06 (SHD)  
Karkardooma Court/Delhi/08.12.2020