

FIR No. 383/19
PS Pandav Nagar
State vs. Rafiq @ Rokha

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application for filing status report.

Present: None for applicant

It is already 12 noon but the Ld. Counsel for applicant is absent.

Status report has been received from the jail. Copy has already been supplied to the Ld. Counsel, as informed by the Reader.

Nothing survives in this application. Accordingly, the application stands disposed off.

Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

e FIR No. ED-KP-000403/2020
PS Kalyanpuri
State vs. Pankaj Kumar
U/s 379/411 IPC

09.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. counsel for the applicant through V.C. on CISCO Webex App.

After part arguments on the bail application, matter stands adjourned for remaining arguments as Ld. Counsel has requested for supply of reply of IO. Let copy be supplied to him.

Put up on 10.12.2020.

Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

FIR No. 0499/2020

PS Kalyanpuri

State vs. Bansii Thakur & Ors.

U/s 25 Arms Act.

09.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant/ accused through V.C. on CISCO Webex App.

Arguments on bail application heard and the application/record perused.

As per allegations, accused Om Saran and Santosh were apprehended by the police officials. Recovery of 7 revolvers/ pistols and 36 live cartridges was effected from the accused persons. These accused got applicant/ accused arrested from Tundla (UP). Two more pistols were recovered from the possession of applicant/accused. It was also found during investigation that these weapons have been procured by the accused persons from one factory being run by co accused persons Somu and Aditya (yet to be arrested), at Chamba valley in MP. The accused has many previous involvements and is a history sheeter as per the report of the IO. The allegations are grave and serious in nature. Considering the facts of the case, I am not inclined to grant bail to the accused at this stage. The application of applicant/accused Bansii Thakur is hereby **dismissed**.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. One copy be also sent to Jail Suptd. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

FIR No. 70/13

PS EOW

State vs. Prem Shankar Sharma

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

09.12.2020

This is a bail application of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020.

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant/ accused through V.C. on CISCO Webex App.

Arguments on bail application heard and the application/record perused.

As per allegations, the applicant/accused induced complainant Ashish Sharma to purchase a property bearing plot no. 1/11 Block-C, Krishna Nagar, Delhi, stating that the said plot belongs to DDA and was under sale and he can arrange it for complainant at a lesser price. At that time accused posed himself to be a senior officer of DDA. He further asked the complainant to deposit Rs.22 lakhs in DDA for the plot so that complainant may not have any doubt on the fraud being played upon him. The applicant/accused alongwith co-accused namely RP Chauhan and Shailender Bhatia, who also posed as senior officers of DDA, further induced the complainant to pay Rs 1.9 crores to them on the pretext that market value of the property was much higher and this expense was required to arrange the property for complainant at much lower price. In this manner the complainant was cheated with more than Rs. 2 crores. The accused also gave fake possession letter, conversion letter etc on behalf of DDA which were sent to the complainant by post. When the accused delayed the matter and then complainant made enquiry, he found that no such property was under sale by DDA. Hence complainant demanded return of his money and four cheques of total Rs.80 lacs was handed over to the complainant, which also got dishonored on presentation. Accordingly, the present FIR was registered.

During arguments on bail application it was submitted by Ld. Counsel for accused that the accused had been co-operating during investigation despite the fact that he has been falsely implicated by the complainant. No money was received by the accused from

the complainant and no such forged documents were handed over to him. It is further stated that IO has not even made investigation regarding those alleged forged documents or the cheques allegedly issued by the accused and as such there was nothing to connect the accused with the present case. Hence prayer was made for bail.

On the other hand, Ld. APP for State submitted that the allegations made against the accused are serious in nature. Investigation of the present case is still under progress. The forged documents are yet to be verified from FSL. That the accused handed over four cheques to the complainant towards return of the amount, also shows his dishonest intentions. Ld. APP for State further argued that even otherwise, the application was not legally maintainable before this court u/s 437 Cr.P.C. considering the fact that offence u/s 467 IPC is punishable with even life imprisonment. Prayer has been made that the present bail application be dismissed.

I have heard arguments at length from both the sides.

As regards maintainability of the present application is concerned, Ld. Counsel for accused has relied on two judgments i.e. **Priyanka Vs State & Anr. Crl. M.C. No. 3589/2014 & Gurcharan Singh & Ors. Vs. State 1978 AIR 179**, in support of his contentions. However, both the judgments in my humble opinion, are distinguishable on facts and are not applicable to the present case. But at the same time, the court cannot lose sight of the fact that the accused is a senior citizen of 68 years of age and would naturally be considered to be infirm. Furthermore, offence under section 467 IPC is triable by this court itself, accordingly this court can decide this application.

As far as merits of case are concerned, the allegations are grave and serious. Accused is expressly named in the FIR by the complainant and appears to be the king pin of the conspiracy under which the complainant has been cheated for an amount of more than Rs.2 crores. Accused was the one who met the complainant for alleged sale of the DDA plot. He introduced the complainant with other co-accused persons and together they obtained such a huge amount by way of cheating. Off course these allegations are yet to be proved but a prima facie case is made out. Admittedly, there has been delay in investigation on the part of the IO but the accused cannot derive benefit from the same. However, the IO had also submitted that the original documents were handed over by the complainant only in the year

2019 due to which the investigation got delayed. He further stated that the specimen signatures of the accused are also to be obtained for sending it to FSL. Further as per the report filed by the IO, accused is involved in many other cases of cheating and forgery and admittedly, facing trial in many such cases, wherein same modus operandi, has allegedly been used to cheat the complainant in those cases. Considering the totality of the facts of the case, I am not inclined to grant bail to the accused at this stage. Hence, the present application of applicant/accused Bansi Thakur for grant of bail is hereby **dismissed**.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. One copy be also sent to Jail Suptd. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

FIR No. 531/14
PS Kalyanpuri
State vs. Kamla and Ors.

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application for cancellation of surety of Amrik Singh.

Pr Ld. APP for State

Ld. Counsel for surety.

It is stated that surety is unable to produce the accused and wants to withdraw bail bond. Applicant is once again emphasized that she being the surety of the accused, is bound to produce the accused or else her bail bond shall be forfeited. However, on persistent request of the Ld. Counsel for applicant, let notice of the application be issued to the accused. It is however, clarified that court shall not take any coercive action against the accused until bail bond of the accused is cancelled/ forfeited and in that case, surety shall be required to deposit the surety amount.

Put up on 16.12.2020.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

Case No.56/20

Intec Capital Ltd vs M/s SK Tyre House and ors.

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application for extension of time for taking over possession of the property.

Pr None for applicant

last and final opportunity is given to the applicant to pursue this matter.

Put up on 18.12.2020.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

Case No.02/20

IIFL Home Finance vs Auto Needs

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

Pr Sh. Mukul Bhimani, Ld. Counsel for applicant bank.

None for Receiver.

Notice be issued to the Court Receiver afresh for 17.12.2020.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

Case No.61/19

IIFL Home Finance vs Jain Trading Co.

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

Pr Sh. Mukul Bhimani, Ld. Counsel for applicant bank.

None for Receiver.

Notice be issued to the Court Receiver afresh for 17.12.2020.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

FIR No. 0499/2020

PS Kalyanpuri

State vs. Om Saran and Santosh Kumar

U/s 25 Arms Act.

09.12.2020

These are two separate bail applications of accused and received through official Email ID of the court. Reply has also been filed by the IO through Email. Application is taken up through CISCO Webex Meeting App. from my Camp Office-cum residence as per directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020

Present: Ld. APP for the State through V.C. on CISCO Webex App.

Ld. Counsel for applicant/ accused through V.C. on CISCO Webex App.

Arguments on bail application heard and the application/record perused.

Both bail applications arise on same facts and in the same case and hence, decided together. Arguments on bail application heard and the application/record perused.

As per allegations, applicant/accused Om Saran and Santosh were apprehended by the police officials. Recovery of 7 revolvers/ pistols and 36 live cartridges was effected from the accused persons. These accused got accused Banshi arrested from Tundla (UP). Two more pistols were recovered from the possession of applicant/accused. It was also found during investigation that these weapons have been procured by the accused persons from one factory being run by co accused persons Somu and Aditya (yet to be arrested), at Chamba valley in MP. Co-accused Banshi is a history sheeter as per the report of the IO and these accused are his associates. The allegations are grave and serious in nature. Considering the facts of the case, I am not inclined to grant bail to the accused at this stage. Hence, the present application of applicant/accused Om Saran and Santosh Kumar for grant of bail is hereby **dismissed**.

Application is **disposed off** accordingly.

At request, copy of this order be made available to the Counsel, preferentially on his email ID or else on his mobile number. One copy be also sent to Jail Suptd. Ld. Counsel for the applicant is further directed to file the original application with original vakalatnama as and when the court reopens for regular hearing.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020

FIR No. 117/19

Corpn Bank vs Nisha Enterprises.

09.12.2020

Due to Corona pandemic outbreak and in view of Office Order No. 322/RG/DHC/2020 dated 15.08.2020 of Ld. Registrar General, Hon'ble High Court of Delhi and in view of directions issued by Ld. District & Sessions Judge (East) vide order bearing no.7103-7123/Judl.Br.East/KKD dated 27.11.2020,, the present matter is taken up for hearing through V/C via Cisco Webex Meeting App, from the camp office cum residence of the undersigned.

This is an application for execution of order dated 18.10.2019.

Present: Sh. Sanjay Tyagi, applicant in person

At request, put up on 10.12.2020.

(Atul Krishna Agrawal)
CMM (East), KKD, Delhi
09.12.2020