

State vs.Mukesh
FIR NO. 0434/20
PS Laxmi Nagar
U/s 363/34 IPC

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing).
None for accused.

This is an application moved on behalf of the accused, seeking bail.

None is present to argue upon the application. Hence, the same is adjourned to 12.10.2020.

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(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/09.10.2020

FIR NO. 02/2019
PS Yamuna Bank Metro
State vs. Rohit @ Chotu
U/s 25/27/54/59 Arms Act

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing).
Sh. Mohit Bhardwaj, LAC for the accused (through VC).

Report not filed. Let the same be filed before NDOH.

Put up on 14.10.2020.

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(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/09.10.2020

State vs. Kamruddin @ Mama
FIR NO.34791/19
PS Laxmi Nagar
U/s 379/411/34 IPC

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing).
LAC Mohit Bhardwaj for the accused (through VC).

Vide this order, I shall dispose of the application moved by applicant/accused Kamruddin @ Mama, seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that accused has been falsely implicated in the present case and he is in JC since 04.11.2019. It is further stated that investigation in the present case has been completed and chargesheet has already been filed. It is prayed that the accused be granted bail in the present case as he is ready to abide by all terms and condition to be imposed upon him and ready to furnish a local surety, if he is granted bail.

On the other hand, it is submitted by Ld. APP for the state that the accused has no permanent address in Delhi and hence may jump the bail. Hence, accused doesn't deserve bail.

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In view of the facts that the accused is in JC since 04.11.2019 wherein charge-sheet has already been filed and investigation has been completed, therefore, no useful purpose would be served to keep him behind the bar.

Hence, unless required in any other case, accused Kamruddin @ Mama is admitted to bail on furnishing personal and surety bond in sum of Rs. 20,000/-each with one local surety subject to the following conditions:

1. That he shall not indulge in commission of any similar or other offence upon his release;
2. That he shall not tamper with the evidence in any manner;
3. That he shall not make any inducement, threat or promise to any witness(es) involved in case;
4. That he shall furnish his complete residential address and intimate the Court if and when there is any change thereto;
5. That he shall appear before the Court/IO if and when called upon.

The application stands disposed of.

Copy of this order be sent to the Jail Superintendent concerned and Ld. Counsel for applicant/accused through electronic mode.

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MM-04/East/KKD/Delhi/09.10.2020

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State vs. Unknown
FIR NO. 353/20
PS Laxmi Nagar
U/s 279/377/304A IPS
DL-5S-AH-7733 (Motorcycle)

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing).
Ms. Indu, Id. Counsel for the applicant (through VC).

Affidavit filed by the applicant stating that she is the wife of the deceased registered owner of the vehicle qua which the present superdari application is moved. It is stated that the applicant has applied for the death certificate of her husband but has not received the same as yet.

Copy of MLC and post mortem report filed along with the affidavit.

Heard and perused.

In view of the judgment of **Hon'ble High Court of Delhi** titled as **"Manjit Singh vs. State in Criminal MC No. 4485/13 dated 10.09.2014** , the said vehicle in question is released to the rightful owner subject to following conditions:-

1. IO is directed to release the vehicle to the rightful owner after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the complainant, accused as well as by the person to whom the custody is handed over.

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3. Owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. **DL-5S-AH-7733 (Motorcycle)** before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the rightful owner, his identity proof and address proof and shall release the vehicle after verifying the ownership of the applicant and insurance of the vehicle.
5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.
6. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Id. Counsel for applicant through electronic mode.

IO is directed to take the copy of the death certificate of the husband of the applicant i.e. deceased registered owner of the vehicle before releasing the vehicle to the applicant on superdari.

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MM-04/East/KKD/Delhi/09.10.2020

State vs. Vivek Sharma
FIR NO. 13/2020
PS Yamuna Bank Depot
U/s 420/411/34 IPC

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing)
Ms. Kavita Rathore, Id. Counsel for the accused (through VC).

Vide this order, I shall dispose of the application moved by accused Vivek Sharma, seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that the accused is in Judicial Custody since 06.10.2020. Further, the accused has been falsely implicated in the present case and he is a sole bread earner of his family. It is further stated that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, it is submitted by Ld. APP for the state that the offence is grave and serious in nature and the investigation is at initial stage. It is further submitted that accused may threaten the complainant and that he may tamper or hamper the evidence and jump the bail. Hence, accused doesn't deserve bail.

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

In the case in hand, the allegations against the accused are grave and serious. Further, the investigation is at initial stage. Therefore, there is every likelihood that accused may tamper the prosecution's evidence, if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Vivek Sharma is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

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MM-04/East/KKD/Delhi/09.10.2020

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State vs.Karan Sen
FIR NO. 13/2020
PS Yamuna Bank Depot
U/s 420/411/34 IPC

09.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing.

Present: Ld. APP for the State (through Video Conferencing)
Ms. Kavita Rathore, Id. Counsel for the accused (through VC).

Vide this order, I shall dispose of the application moved by accused Karan Sen, seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that the accused is in Judicial Custody since 06.10.2020. Further, the accused has been falsely implicated in the present case and he is a sole bread earner of his family. It is further stated that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, it is submitted by Ld. APP for the state that the offence is grave and serious in nature and the investigation is at initial stage. It is further submitted that accused may threaten the complainant and that he may tamper or hamper the evidence and jump the bail. Hence, accused doesn't deserve bail.

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

In the case in hand, the allegations against the accused are grave and serious. Further, the investigation is at initial stage. Therefore, there is every likelihood that accused may tamper the prosecution's evidence, if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Karan Sen is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

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