

KAPIL GUPTA
Metropolitan Magistrate MM-07
Room No. 6, Patiala House Court
New Delhi

FIR No. 197/23
PS Tilak Marg
State Vs. Bala Saraswati
U/s 379 IPC

28.08.2023

Present:- Sh. Praveen, Ld. APP for the State.

Accused produced from JC.

Ms. Neetu Kumari, Ld. Remand Advocate for the accused.

Sh. Prabhav Ralli, Ld. Counsel for complainant.

This is a bail application under Section 437 Cr. PC moved on behalf of applicant/accused Bala Saraswati.

Reply to the bail application has been filed by the investigating officer. Copy supplied.

Submissions heard. Material available on record perused.

It is argued by Ld. Counsel for the applicant/accused that the applicant has been falsely implicated on the behest of the landlord of the accused and there are multiple litigations pending between the landlord and the accused. It is further argued that accused is in JC since 12.08.2023. It is contended that the applicant / accused is nowhere visible in the CCTV footage. It is argued that it is not possible for any person to enter into the Hon'ble High Court of Delhi without any pass or identity card. It is further argued that no notice U/s 41 A CrPC was served upon the accused. It is further argued that the applicant is no more required for custodial interrogation and there is no apprehension of her absconding and tampering with evidence. It is prayed that the applicant/ accused may be enlarged on bail.

It is submitted by Ld. APP for the State and Ld. Counsel for the complainant that the earlier bail application of the accused was dismissed vide



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order dated 13.08.2023 and photocopy of such order has been filed along with the reply. It is argued that the offence alleged against the accused is grave and serious in nature. It is argued that the accused is also involved in forging judicial record vide FIR No. 276/2010 PS Vasant Kunj (N) and there are other multiple civil and criminal cases where the accused is a party. It is prayed that the present bail application be dismissed.

In rebuttal, the above arguments were refuted on behalf of the accused.

As per the allegations, bag of a law Intern was stolen from outside of court no. 15 of the Hon'ble High Court of Delhi and the incident had been captured in the CCTV footage.

As per reply of the IO, the case property has not been recovered and the same was sold by the accused to some other person and the co-accused has also not yet been arrested. It is further mentioned in the reply that notice U/s 41 A CrPC was served upon the accused, however, the accused did not cooperate in the investigation.

Order passed by Ld. Duty MM dated 13.08.2023 vide which the bail application of the accused was dismissed has been perused. Perusal of same reveals that the arguments led on behalf of the accused today were also agitated before the Ld. Duty MM and after considering the submissions, the bail application was dismissed. It is trite law that a successive bail application without change in the circumstance cannot be allowed by this court.

In view of the submissions made and the material available on record, it can be clearly seen that no change of circumstance has been pointed out on behalf of the accused since the last bail application was dismissed.

The allegations levelled against the accused are grave and serious in nature and the co-accused has not yet been arrested. The contention that the accused has been falsely implicated at the behest of her landlord bears no



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relevance for the present application, in facts and circumstances of the case. Moreover, the investigation appears to be still pending and the charge sheet has not yet been filed. Furthermore, there is a possibility that the the accused may induce or threaten witnesses and could even tamper with the evidence. The accused is also involved in another case.

Considering the facts and circumstances of the present case and in view of the above discussion, no ground for bail is made out in favour of the accused at this juncture and thus, the bail application of the applicant/accused Balasaraswathy is dismissed.

Copy of this order be given dasti.

Copy of the order be sent to the concerned Jail Superintendent.

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New Delhi

