

PARAS DALAL  
Metropolitan Magistrate-04  
Room No. 14, Main Building  
New Delhi District,  
Patiala House Courts,  
New Delhi

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

13.08.2023

Present : Sh. Praveen Kumar, Ld. Substitute APP for the state.  
Complainant with counsel Sh. Prabhav Ralli and Ms. Stuti  
Gupta.

Sh. Abhishek, Ld. counsel for the accused.  
IO in person.

1. Accused produced after 01 day police custody. MLC perused.
2. Now, IO has moved an application for grant of Judicial Custody of accused for 14 days.
3. The counsel for the accused has already moved the bail application which was fixed for reply today. IO has filed written reply to the application. Bail is prayed on the ground that there has been no recovery of stolen property. It is further argued that there is non compliance of section 41A CrPC.
4. The complainant side through prosecution argues that the accused is habitual of the conduct of picking up bags from outside the court rooms in the Hon'ble High Court of Delhi and apart from the present case is alleged of the similar offence in atleast one other FIR and there is also apprehension that she may have been involved in two other such instances. The complainant side further argues that due to the actions of the accused, there is fear in leaving the bags outside the court rooms of the Hon'ble High Court of Delhi among lawyers. The complainant side also highlights that there is serious lapse of security since the accused is not an advocate, having no ID card yet she is seen in the compound of the High Court

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premises without any entry pass. Further it is argued that the complainant clearly identifies the accused carrying her bag which contained stolen property.

5. The State further counters the bail on the ground that the accused has been non co-operative throughout the investigation. After her identity was established, she was served notice to join the investigation, yet she failed and when the police officials reached her house, she refused to join the investigation and even resisted the police officers in the investigation. IO further states that accused refused to share her details and as much as failed to provide any identity proof of herself.

6. Having considered the seriousness of the allegations, this court deems it appropriate to commit the accused to judicial custody since the apprehension of the IO is true that once released on bail, the accused may abscond and even threatened the witness or indulge in similar offence vide same modus operandi. This court is also not convinced with the averments of the accused herself that the woman seen in the footage is not her. The said arguments is mentioned herein since the accused kept repeating the same before this court.

7. The application for bail of the accused is accordingly rejected.

8. Accused is sent to JC till 26.08.2023 and be produced before concerned MM/Duty MM. Copy of this order be given dasti to IO and counsels for both sides, as prayed for.



  
(Paras Dalal)  
Duty MM/PHC/ND/13.08.2023  
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New Delhi District, Patiala House Courts.  
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