

State Vs. Sahil (Through applicant Gulvsha)

FIR No.02/2020

PS: IP Estate

11.08.2020

ऋषभ कपूर
RISHABH KAPOOR
 महानगर न्यायाधीश-03
 Metropolitan Magistrate-03
 केन्द्रीय जिला कमरा नं. 150
 Central District, Room No. 150
 तीस हजारी न्यायालय, दिल्ली
 Tis Hazari Courts, Delhi

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Ashok Kumar Ld. Counsel for applicant

IO/SI Narender Beniwal

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Narender Beniwal is also received through email. Copy of same already stands supplied to the counsel for applicant, electronically.

Submissions heard. Record perused.

This order shall dispose off the application for release of **vehicle no. DL-5SCF-6582** on superdari, moved on behalf of **applicant Gulavsha**.

In reply filed by IO/SI Narender Kumar, it has been stated that vehicle bearing no. DL-5SCF-6582 has been recovered in connection with present case FIR and same is lying in Malkhana of PS I.P Estate. Further, in the reply as received from the IO, he has raised objection qua release of vehicle stating that same was used in commission of alleged offences and if the vehicle aforesaid is released on superdari, the applicant will hand over the same to accused for commission of further crimes.

It is submitted by the counsel for applicant that applicant Gulvsha is the registered owner of the vehicle in question and custody of same is no more required by police, hence same deserves to be released in applicant's favour.

Scanned copy of the RC of vehicle is filed by applicant along with present application.. For the purposes of identity applicant has sent scanned copy of her


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Aadhar card along with the application.

On perusal of the report of IO along with the copies of documents on record, applicant Gulvsha prima facie appears to be entitled for the custody of the vehicle in question. Admittedly, applicant is not stated to have any complicity in present case FIR nor she has been implicated in same as an abettor or an accomplice. There is no other material on record establishing that if the vehicle in question is released in favour of applicant, same shall be handed over by her to accused for commission of further offences. Therefore, the objections raised by IO appears to untenable and consequently, the prayer of applicant for release of vehicle in question, deserves to be accepted.

In these circumstances and as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant subject to the following conditions:-

1. Vehicle in question be released to its applicant/registered owner only subject to furnishing of indemnity bonds as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall verify RC, Insurance Certificate and other documents of the vehicle, prior to release of vehicle.
3. IO shall prepare detailed Panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
5. The photographs should be attested and counter signed by the complainant, applicant and accused.


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5. IO is directed to verify the insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

Scanned copy of this order be sent to Counsel for applicant and IO/SI Narender Beniwal, through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
11.08.2020

Letter No. F.8&9/AS(UT)/2020/4832 dated 10.08.2020

11.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order No.26/DHC/2020 Dated 30.07.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

The present Letter No. F.8&9/AS(UT)/2020/4832 dated 10.08.2020 under the signatures of Dy. Superintendent Central Jail No.8/9, Tihar, was received through email.

It is stated in the aforesaid letter that accused Md. Naved was granted interim bail for 45 days in case FIR No. 2688/2020 u/s 379/411 IPC PS I.P Estate vide orders dated 12.04.2020 by the Court of Ld.Jail Visiting Duty MM and was released from custody on 13.04.2020. It is further stated that the accused was arrested on 08.08.2020 in connection with case FIR No. 49/2020 u/s 25/54/59 Arms Act, P.S. Connought Place. The directions have been sought regarding the status of accused in case FIR No. 2688/2020 u/s 379/411 IPC PS.I.P Estate.

Heard. Record perused.

Perusal of order dated 12.04.2020 passed by Ms. Nupur Gupta, Ld. Jail Visiting Duty MM would reveal that accused Md. Naved was ordered to be released on interim bail for 45 days in connection with FIR No. 2688/2020 u/s 379/411 IPC PS I.P Estate. The perusal of order dated 12.04.2020 would further reveal that the accused was admitted on interim bail in view guidelines of Hon'ble HPC.

Pertinently, vide orders of Hon'ble High Court passed in case titled as **Court on Its Own Motion Vs. Govt. Of N.C.T of Delhi W.P.(C) 3080/2020 dated 04.08.2020**, the interim bails for period of 45 days in view of recommendations of HPC are extended for another 45 days from their respective expiry on same terms and conditions.

Therefore, in view of said orders passed by Hon'ble High Court, the interim bail granted to accused Md. Naved already stood extended, therefore he cannot be deemed to be in custody in connection with case FIR No. 2688/2020 u/s 379/411 IPC PS I.P Estate.


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Scanned copy of this order be sent to Concerned Jail Superintendent through all permissible modes including email, for necessary information and action. One copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
11.08.2020