

FIR No. 008489/2020

P.S Tilak Nagar

State Vs. Pawan Kapoor

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant/accused.

Learned counsel for applicant/accused has stated that in order dated 05.07.2020, wrong FIR no. 00084891/2020 has been mentioned instead of FIR no. 008489/2020. He has further stated that in the said order the name of accused has been wrongly mentioned as Pawan Kumar instead of Pawan Kapoor.

Reply has already been filed by Deputy Superintendent, Central Jail, Rohini, wherein it has been mentioned that accused could not be released as accused is in custody in case bearing FIR no. 008489/2020 instead of bearing FIR no. 00084891/2020. Learned counsel of the accused has further stated that there is no other case pending against the accused and he has prayed for correction in this regard.

Hence, in view of above facts and circumstances, mistake stands rectified accordingly.

Hence, the application stands disposed of.

Copy of order be given Dasti as requested by Learned counsel for applicant.

Copy of order be also sent to Central Jail, Rohini for information.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 175/19

P.S Tilak Nagar

State Vs. Inderjeet Singh

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant/accused.


Learned defence counsel has stated that Mediation proceedings is yet to be conducted and same is fixed for 07.07.2020. He has requested for interim bail for 45 days.

Hence, taking into consideration present facts and circumstances, I am of the view that in order to enable the applicant/accused to settle with the complainant, applicant/accused is hereby granted interim bail only for 10 days from applicant's release from the jail.

Accordingly, the application stands disposed of.

Put up on 16.07.2020 before concerned Duty MM.

Copy of order be given Dasti as requested to Ld. Counsel for applicant.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 55/2020

P.S Rajouri Garden

06.07.2020

An application moved on behalf of the applicant for release of vehicle no. **DL12SM7193** on superdari.

Present: Ld. APP for the State.

Applicant / Registered owner with counsel.

Report from concerned IO filed. Same is perused.

Heard. Material perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **“Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638”** wherein it has been held that;

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purpose of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner

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declines to take the vehicle or informs that it has claimed insurance / released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled “**Manjit Singh Vs. State in Crl. M.C. NO. 4485/2013**” dated **10.09.2014**.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration number **DL12SM7193** be released to the applicant on furnishing **security bond as per valuation report of the vehicle**. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court.

Copy of this order be given Dasti to applicant.

Panchnama shall be filed in the Court along with charge sheet.

(NEETU NAGAR)
D/MM (Mahila-Court)-01, West,
THC/Delhi/06.07.2020

LR No. 012687/2020

P.S Crime Branch, Delhi

06.07.2020

An application moved on behalf of the applicant for release of vehicle no. DL7SBQ7916 on superdari.

Present: Ld. APP for the State.

Applicant / Registered owner with counsel.

Report from concerned IO filed. Same is perused.

Heard. Material perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **"Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638"** wherein it has been held that;

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purpose of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner

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declines to take the vehicle or informs that it has claimed insurance / released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled “**Manjit Singh Vs. State in CrI. M.C. NO. 4485/2013**” dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration number **DL7SBQ7916** be released to the applicant on furnishing **security bond as per valuation report of the vehicle**. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court.

Copy of this order be given Dasti to applicant.

Panchnama shall be filed in the Court along with charge sheet.

(NEETU NAGAR)

D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 011228/2020

P.S Crime Branch, Delhi.

06.07.2020

An application moved on behalf of the applicant for release of vehicle no. **DL4CAB6842** on superdari.

Present: Ld. APP for the State.

Counsel for applicant / Registered owner.

Report from concerned IO filed. Same is perused.

Heard. Material perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **“Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638”** wherein it has been held that;

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purpose of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner



2071 declines to take the vehicle or informs that it has claimed insurance / released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.


73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled “**Manjit Singh Vs. State in Crl. M.C. NO. 4485/2013**” dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration number **DL4CAB6842** be released to the applicant on furnishing **security bond as per valuation report of the vehicle**. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court.

Copy of this order be given Dasti to applicant.

Panchnama shall be filed in the Court along with charge sheet.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 248/2020

P.S Ranjit Nagar

State Vs. Abrar

U/s 379/411/356/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.

It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 18.06.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.

On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that address of the accused has yet not been verified. That the accused is also involved in case bearing FIR no. 83/18, under section 392/34 IPC PS Ranjit Nagar.

Hence, taking into consideration the fact that other case is pending against the accused as well as the address of the accused has not been verified yet, I am not



inclined to grant bail to the applicant/ accused at this stage. Accordingly, bail application stands dismissed. As requested, a copy of order be given dasti to the IO as well as to Ld. Counsel for accused.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

cFIR No. 00443/2020

P.S Rajouri Garden

State Vs. Jagmohan @ Jhamman & Ors.

U/s 379/341/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.

It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 07.06.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.

On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that two other cases are already pending against the applicant/accused and he is a habitual offender. It has been further submitted that the accused is an addict.

Considering the fact that two more cases are already pending against the applicant/accused and further the fact that he is a habitual offender, hence, I am not

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inclined to grant bail to the applicant/ accused at this stage. Accordingly, bail application stands dismissed. As requested, a copy of order be given dasti to the IO as well as to Ld. Counsel for accused.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 706/2020

P.S Nihal Vihar

State Vs. Manesh Kumar @ Munish Kumar

u/s 356/511/379/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.


It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 02.07.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.

On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that co-accused is yet to be arrested and investigation is still pending.

Considering the fact that co-accused is yet to be arrested and investigation is still pending, hence, I am not inclined to grant bail to the applicant/ accused at this

stage. Accordingly, bail application stands dismissed. As requested, a copy of order be given dasti to the IO as well as to Ld. Counsel for accused.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 623/2020

P.S Khyala

State Vs. Sharukh Khan

u/s 379/411/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.

It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 21.06.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.

On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that other cases are already pending against the applicant/accused and he is a habitual offender.

Considering the fact that other cases are already pending against the applicant/accused and further the fact that he is a habitual offender, hence, I am not inclined to grant bail to the applicant/ accused at this stage. Accordingly, bail application



stands dismissed. As requested, a copy of order be given dasti to the IO as well as to
l.d. Counsel for accused.



(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 623/2020

P.S Khyala

State Vs. Salman

u/s 379/411/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.

It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 21.06.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.


On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that investigation is still pending.

Considering the fact that investigation of the present case is still pending and there are chances that accused can flee, hence, I am not inclined to grant bail to the applicant/ accused at this stage. Accordingly, bail application stands dismissed. As

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requested, a copy of order be given dasti to the IO as well as to Ld. Counsel for accused.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 0617/2020

P.S Paschim Vihar

06.07.2020

An application moved on behalf of applicant/accused for release of mobile phone Vivo-Y95.

Present: Ld. APP for State.

Applicant with counsel.

Reply has already been filed by IO.

Heard on the application.

In view of the averments, let jama talashi articles be released to the applicant/accused as per seizure memo on proof of his identification. Copy of order be given dasti to applicant.

Application stands disposed.


(NEETU-NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020

FIR No. 713/2020

P.S Nangloi

State Vs. Vishal

u/s 392/34 IPC

06.07.2020

Present: Ld. APP for the State.

Counsel for applicant.

IO concerned in person.

Reply filed on behalf of IO. Same be taken on record.

Arguments heard on the bail application of accused.

It is submitted by Learned Counsel for the applicant/ accused that accused is running in J/C since 03.06.2020. It is further submitted by Learned Counsel for the applicant/ accused that accused has been falsely implicated in this case by the complainant and has no criminal antecedent. It is further submitted by him that investigation has already been completed and no fruitful purpose will be served by keeping accused behind bars any further. Hence, it is requested that applicant/ accused be admitted on bail in the interest of justice.

On the contrary, Ld. APP for the State submits that allegations against applicant/ accused are serious in nature. Hence, it is prayed that the applicant/ accused may not be admitted on bail.

A perusal of reply filed on behalf of IO concerned shows that another case under section 392/411/34 IPC is pending against the accused.

Considering the gravity of offence and the fact that another case is pending against him, I am not inclined to grant bail to the applicant/ accused at this stage.



Accordingly, bail application stands dismissed. As requested, a copy of order be given dasti to the IO as well as to Ld. Counsel for accused.

(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/06.07.2020