

FIR No. 326/20
PS –Civil Lines
U/s 279/337 IPC

21.08.2020

None has joined the meeting through Cisco Webex.

This is an application for releasing of vehicle bearing No. DL-2C-AW-5021 on superdari filed through electronically by applicant.

Present : Ld. APP for the State joined the meeting through Cisco Webex. Applicant has not joined the meeting on Cisco Webex despite intimation.

Reply has been filed through electronically by the IO. Copy of same has been sent to the applicant through electronically.

Perusal of reply shows that documents have not been produced by applicant/owner of case property to IO for the purpose of verification.

Applicant/owner of case property is directed to approach the IO and provide him the original documents for the purpose of verification.

Be put up for further proceedings on **27.08.2020.**

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar/ Civil Lines and to the applicant. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/21.08.2020

FIR No. 239/18
PS – Sadar Bazar
State Vs Rashid @ Rocky
U/s 380/411/34 IPC

21.08.2020

Application taken up physically in view of circular of Hon'ble High Court of Delhi vide No.1977-2009/DHC/2020 dated 30.07.2020.

The undersigned is looking after the work of Link Court of Ms. Tista Shah, Ld. MM.

Present : Ld. APP for the State joined the meeting through Cisco Webex.

IO HC Harpal in person.

An application has been moved by IO for declaration of accused Rashid @ Rocky s/o Sh. Shamshad Alam r/o Purandaha Bansar Dakshin Tola Ward No. 09, Palasi Bhika, Araria, Bihar as PO.

Perusal of record reveals that NBWs were issued against the accused vide order dated 29.07.2019. Thereafter, process u/s 82 Cr.P.C. was issued vide order dated 11.09.2019. The date for appearance of accused on process u/s 82 Cr.P.C. was of 12.12.2019. Thereafter, neither IO appeared on 12.12.2019 nor any application for declaration of accused as PO has been moved during this period. ~~AN~~ FIR got registered in the year 2018.

Under these circumstances, I am not satisfied with the proceedings conducted while execution of process u/s 82 Cr.P.C. So, the present application stands dismissed.

At this stage, IO has moved another application for issuance of process u/s 82/83 Cr.P.C. against the accused.

Let fresh process u/s 82 Cr.P.C. be issued against accused Rashid @ Rocky s/o Sh. Shamshad Alam r/o Purandaha Bansar Dakshin Tola Ward No. 09, Palasi Bhika, Araria, Bihar for 22.10.2020. The service be also effected by way of publication in a daily newspaper having circulation within the area.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar/ Civil Lines. The printout of the application and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/21.08.2020

21.08.2020

Joined through Video conferencing at 11.15 am.

The undersigned is looking after the work of Link Court of Ms. Tista Shah, Jd. MM.

Present : Ld. APP for the State joined the meeting through Cisco Webex/
IO/ASI Bachu Singh has joined the meeting through Cisco Webex.
IO electronically filed an application for release of accused Aman
in the present case. It is submitted by IO that there is no evidence against the
accused, so the present accused may be released from the proceedings.

Heard.

I have perused the application and the record of investigation done
by IO of this case. Perusal of same reveals that there is nothing against the
aforesaid accused except the disclosure statement which its itself inadmissible
in evidence. Under these circumstances, the application of the IO is allowed.
The aforesaid accused is released from the present case at this stage, subject to
furnishing of personal bond in the sum of Rs. 5000/- to the satisfaction of
concerned Jail Superintendent.

One copy of order be uploaded on Delhi District Court website.
Copy of order be also sent to the e-mail of SHO PS Sadar Bazar/ Civil Lines.
The printout of the application and the order be kept for records and be tagged
with the final report.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/21.08.2020

21.08.2020

Joined through Video conferencing at 11.10 am.

This is an application for releasing of vehicle bearing No. DL 1L AB 0592 on superdari filed through electronically by applicant Mrs. Sushma Tiwari.

Present : Ld. APP for the State joined the meeting through Cisco Webex.

Mr. Dinesh Tiwari, husband of Mrs. Sushma Tiwari, applicant/owner of the case property joined through Cisco Webex.

Reply has been filed through electronically by the IO. As per which, the vehicle is no more required for the purpose of investigation.

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.**

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as **“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 bearing registration No. **DL-1L-AB-0592** be released to the applicant/registered owner on furnishing security bond/indemnity 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/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar/ Civil Lines and to the applicant. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

21.08.2020

Joined through Video conferencing at 11.00 am.

The undersigned is looking after the work of Link Court of Ms. Tista Shah, Ld. MM.

Present : Ld. APP for the State joined the meeting through Cisco Webex.

Ms. Afsan, Id. Counsel for applicant/accused Aman has joined the meeting through Cisco Webex.

An application has been moved by Ld. Counsel for the applicant/accused regarding clarification, as to why accused Aman has not been released from J/C till date.

Report on behalf of Jail Superintendent has been filed electronically. Copy of same has been sent to Ld. Counsel for applicant/accused electronically.

Perusal of reply shows that accused could not be released from J/C as FIR No. 278/20 PS Civil Lines, FIR No. 268/20 PS Civil Lines, FIR no. 259/20 PS Civil Lines & FIR No. 274/20 PS Civil Lines are still pending against the accused.

Perusal of record reveals that accused Aman has already been released from the proceedings on furnishing of personal bond for the sum of Rs. 5000/- to the satisfaction of concerned Jail Superintendent in FIR No. 259/20 PS Civil Lines & FIR no. 268/20 PS Civil Lines vide order dated 14.08.2020. Copy of these orders have already been sent to concerned Jail Superintendent. It is also revealed that accused has already been released in FIR No. 278/20 PS Civil Lines by this Court on 19.08.2020. Copy of that order is also sent to concerned Jail Superintendent.

Moreover, vide separate order of today i.e. 21.08.2020, accused has also been released in FIR No. 274/20 PS Civil Lines.

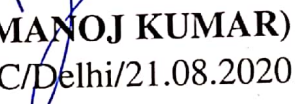


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Let, necessary intimation be sent to concerned Jail Superintendent alongwith the copy of order passed in FIR No. 278/20 PS Civil Lines, FIR No. 268/20 PS Civil Lines, FIR no. 259/20 PS Civil Lines & FIR No. 274/20 PS Civil Lines.

Application accordingly stands disposed off.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar/ Civil Lines. The printout of the application, reply and the order be kept for records and be tagged with the final report.


(**MANOJ KUMAR**)
MM-06(C)/THC/Delhi/21.08.2020

21.08.2020

Joined through Video conferencing at 11.45 am.

**The undersigned is looking after the work of Link Court of Ms. Tista Shah,
Ld. MM.**

Present : Ld. APP for the State has joined the meeting through Cisco
Webex.

HC Dharampal, MHC(M) PS Sadar Bazar joined through CISCO
webex.

At this stage, MHC(M) wants to withdraw the present application
as it does not pertain to this Court.

Heard. Request is allowed.

Application is disposed off as withdrawn.

One copy of order be uploaded on Delhi District Court website.

Copy of order be sent to the e-mail of SHO PS Sadar Bazar. The printout of the
application and order be kept for records.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/21.08.2020

FIR No. 266/2020
PS – Civil Lines
Case No. 4401/2020
State Vs Abdul Karim Rana

21.08.2020

Joined through Video conferencing at 11.45 am.

The undersigned is looking after the work of Link Court of Ms. Tista Shah,

Ld. MM.

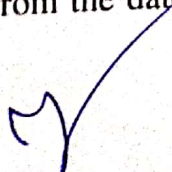
This is an application for grant of interim bail to the accused Abdul Karim

Rana.

Present : Ld. APP for the State joined the meeting through Cisco Webex.
Mr. Faheem Alam, Id. Counsel for applicant/ accused Abdul Karim Rana joined through Cisco Webex.

This is an application for grant of interim bail to the applicant/accused Abdul Karim Rana. Id. Counsel for accused has argued that the applicant/accused is in J/C since 20.06.2020. Ld. Counsel further argued that the investigation of the present case is complete and charge-sheet has already been filed in the Court. It is further argued that there is cheating of Rs. 450/- and accused is the sole bread earner of his family. He further argued that lenient view may be taken against him and he may be released on interim bail as per the directions of the 'High Powered Committee' of Hon'ble High Court of Delhi.

Perusal of charge-sheet reveals that accused cheated the complainant for the sum of Rs. 450/- only. The accused has been charge sheeted only u/s 420 IPC and same is punishable up to 7 years. Considering that the accused is in J/C for last two months, so in view of direction of the 'High Powered Committee' of Hon'ble High Court of Delhi, accused is granted interim bail for a period of 45 days from the date of his release from custody,

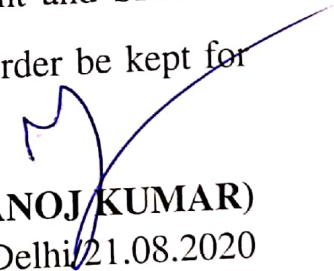


on furnishing of personal bond in the sum of Rs. 20,000/- to the satisfaction of Jail Superintendent subject to the following conditions:-

- 1. That he shall surrender before the authorities concerned after the expiry of 45 days from the date of release.*
- 2. That he shall not indulge in similar offences or any other offences in the event of his release on bail.*
- 3. That he shall not tamper with evidence in any manner.*
- 4. That in case of change of his residential address, he shall intimate the Court about the same.*

Accused be released from J/C, if not required in any other case.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar. The printout of the application and order be kept for records and be tagged with the final report.


(MANOJ KUMAR)
MM-06(C)/THC/Delhi/21.08.2020

21.08.2020

(Through Video Conferencing at 11.30 am)

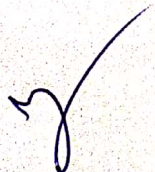
This is an application for grant of interim bail to the accused Avinash Rathi.

Present : Ld. APP for the State has joined the meeting through Cisco Webex.
Mr. Vivek Agarwal, Id. Counsel for accused Avinash Rathi joined through Cisco Webex.

This is an application for grant of interim bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 10.08.2019. Ld. Counsel further argued that co-accused Vikas and Arun are already on interim bail. He further argued that accused is on bail in another case. In support of his submission, he has relied upon the directions issued by Hon'ble Apex Court in Suo Moto W.P. (C) No. 1/2020, as also the directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 in case titled as "Shobha Gupta & Ors. Vs. Union of India & Ors." He further requested that accused is entitled for the interim bail as per criteria laid down by High Powered Committee of Hon'ble High Court of Delhi in the Minutes of the Meetings dated 28.03.2020 as offences alleged against the accused punishable less than 7 years and accused is on bail in another case and accused is in J/C for more than one year. He further argued that charge-sheet has already been filed in the present matter.

Submissions heard. Perused.

Perusal of charge-sheet reveals that accused has been charge-sheeted for offence punishable u/s 420/120B/468/471 IPC. All the offences are



punishable with less than 7 years of imprisonment. The accused was arrested on 10.08.2019 and more than one year has been lapsed since the date of his arrest. Thus, I am satisfied that the accused is entitled for interim bail as per the directions issued by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 ⁱⁿ ~~the~~ case titled as 'Shobha Gupta & Ors. Vs. Union of India & Ors.' as well as in the criteria laid down in the minutes of the meeting dated 28.03.2020, 07.04.2020 & 19.04.2020 of High Powered Committee. So in view of direction of the **'High Powered Committee' of Hon'ble High Court of Delhi**, accused is granted interim bail for a period of 45 days from the date of his release from custody, on furnishing of personal bond in the sum of Rs. 20,000/- to the satisfaction of Jail Superintendent subject to the following conditions:-

- 1. That he shall surrender before the authorities concerned after the expiry of 45 days from the date of release.*
- 2. That he shall not indulge in similar offences or any other offences in the event of his release on bail.*
- 3. That he shall not tamper with evidence in any manner.*
- 4. That in case of change of his residential address, he shall intimate the Court about the same.*

Accused be released from J/C, if not required in any other case.

One copy of the order be uploaded on Delhi District Court Website.

Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and to the email of Id. Counsel. The printout of the application, reply and order be kept for records and be tagged with the final report.


(MANOJ KUMAR)

MM-6(C)/THC/Delhi/21.08.2020