

05.09.2020

Joined through Video conferencing at 10:00 am.

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

Sh. Nikhil Yadav, Ld. LAC on behalf of applicant/accused Gaurav @ Gore has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 27.05.2020. Ld. LAC argued that charge-sheet has been filed. Therefore, he should be granted bail in this case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. LAC electronically. Perusal of the reply shows that applicant/accused is a habitual offender and involved in four other cases.

Heard. Perused.

Perusal of the reply and charge-sheet shows that there are specific allegations against applicant/accused. Section 392 IPC entails imprisonment upto 10 years. Thus, considering the gravity of the offence and antecedent of applicant/accused, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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. The printout out of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)
MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:05 am.

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

Sh. Nikhil Yadav, Ld. LAC on behalf of applicant/accused Gayasuddin has joined through Cisco Webex.

Ld. LAC for the accused has moved an application electronically for releasing the accused on personal bond. Perusal of the application shows that accused was granted bail this Court on 22.08.2020.

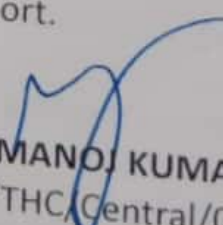
IO wrongly filed reply of bail.

In this matter, accused was admitted to bail by this Court vide order dated 22.08.2020 subject to furnishing Bail Bond and Surety Bond in sum of Rs.15,000/- each.

In view of the fact that accused is a very poor person and he has not been able to furnish surety bond as per the order since 22.08.2020, therefore, in view of the order's of *Hon'ble High Court of Delhi* in the matter of "*D.M. Bhalla Vs. State*" passed in *W.P. (C) 3465/2010*, the application of the accused is allowed and he is admitted to bail subject to furnishing personal bond in sum of Rs.15,000/- to the satisfaction of jail superintendent.

Application stands disposed off accordingly.

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. The printout of the application, reply and the order be kept for records and be tagged with the final report.


(MANOJ KUMAR)
MM-06/THC, Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:10 am.

This is an application for releasing vehicle bearing registration number DL-5SBF-0835 on superdari.

Present : Ld. APP for the State.

Ms. Jyoti, Ld. Counsel for the applicant Om Prakash has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released 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.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

"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.

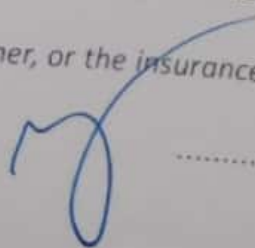
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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 purposes of evidence.

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

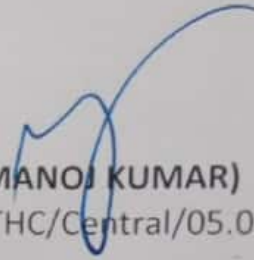
72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the 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."

.....Contd/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-5SBF-0835 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with 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. The printout of the application, reply and the order be kept for records and be tagged with the final report.



(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:20 am.

This is an application for releasing vehicle bearing registration number DL-95BF-0612 on superdari.

Present : Ld. APP for the State.

Sh. Ghazi Salahuddin, Ld. Counsel for the applicant Prabhjot Singh has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in Crl. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

"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.

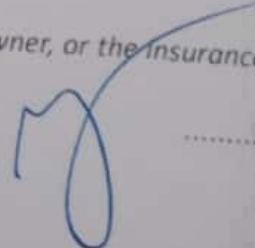
69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

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 purposes of evidence.

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

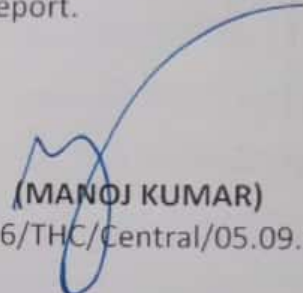
72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the 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."

Contd/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-9SBF-0612 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with 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. The printout of the application, reply and the order be kept for records and be tagged with the final report.


(MANOJ KUMAR)
MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:25 am.

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

Sh. Jitender Pradeep, Ld. Counsel on behalf of applicant/accused Hemant Kumar has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated in this case and he is in JC since 01.09.2020. Ld. Counsel argued that recovery has already been effected . He further argued that complainant took a loan of Rs.1 lac from the brother of accused and as a security of said loan, complainant gave post dated cheque of Rs.1 lac and the scooty to the brother of the accused. The accused and his brother were not aware about the registration of present FIR and when accused was using the said scooty, then he was arrested by the police. Therefore, applicant/accused should be granted bail in this matter.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that FIR in the present matter got registered on 03.10.2019 and applicant/accused is not involved in any other case.

Heard. Perused.

Considering that recovery has already been effected and applicant/accused is not involved in any other case, so no purpose would be served by keeping the applicant/accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.20,000/- each and subject to the following conditions

:-

1. that accused person(s) shall attend the Court as per conditions of bond to be executed,
2. that accused person(s) shall not commit similar offence and ;
3. that accused person(s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

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

(MANOJ KUMAR)
MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:30 am.

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

MHC(M) HC D.P. Yadav has joined through Cisco Webex.

MHC(M) has filed applications electrically for disposal of case property.

Perusal of the applications shows that FIR in the present got registered under Section 354B/323/506 IPC. Thus, this court has no jurisdiction to entertain the present applications as same falls within the jurisdiction of Mahila Court.

At this stage, MHC(M) submits that he wants to withdraw the present applications. Heard.

In view of the same, present application stands allowed to be withdrawn.

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. The printout of the application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

FIR No. 616/15, 633/15, 706/15, 719/15,

734/15, 333/158

PS – Sadar Bazar

05.09.2020

Joined through Video conferencing from 10:35 to 10:45 am.

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

MHC(M) HC D.P. Yadav has joined through Cisco Webex.

Vide this common order, I am disposing off the applications for disposal of case properties.

As per the applications, cases have already been disposed off.

Applications stands disposed off.

Accordingly, case properties in question be deposited to District Nazir.

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. The printout out of the applications and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 10:50 am.

Present : Ld. APP for the State.

Sh. Rahul Tandon, Ld. LAC for the applicant/accused Chander Shekhar @
Shekhar has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 15.01.2020.

One copy of order be uploaded on CIS.


(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

FIR No. 58/19

PS –Civil Lines

05.09.2020

Joined through Video conferencing at 10:55 am.

Present : Ld. APP for the State.

Sh. Rahul Tandon, Ld. LAC for the applicant/accused Ansh Sehgal has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 04.12.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 11:05 am.

Present : Sh. Ankur Jain , Ld. Counsel for the complainant has joined through Cisco Webex.

Ld. Counsel submits that one connected matter is pending for 10.09.2020. So, he requested that matter may be put up for 10.09.2020.

At request, be put up for 10.09.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 11:10 am.

Present : Sh. Nitin Chaudhary, Ld. Counsel for the complainant has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 01.12.2020.

One copy of order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

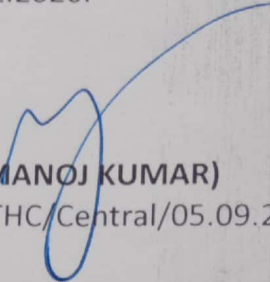
Joined through Video conferencing at 11:10 am.

Present : Ld. APP for the State.

Ms. Babita Seth, Ld. Counsel for the accused has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 27.11.2020.

One copy of order be uploaded on CIS.


(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020

Joined through Video conferencing at 11:00 am.

Present : Sh. Prabhakar Pandey, Ld. Counsel for the complainant has joined through Cisco Webex.

Heard.

Reply be called from concerned SHO PS Sadar Bazar as to

- (1) Whether the complaint of the complainant has been received at the PS or not.
- (2) From the contents of the complaint whether any cognizable offence is disclosed or not.
- (3) Whether any FIR has been registered or not on the basis of the said complaint.

Reply be filed on 15.10.2020. Ld. Counsel for the complainant is directed to file the copy of complainant/documents physically as well as electronically.

(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020

05.09.2020 (at 12:00 pm)

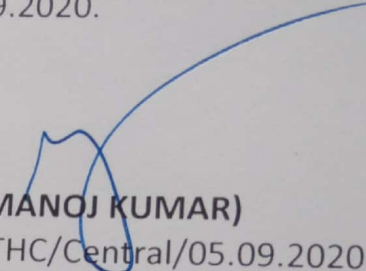
Present : Ld. APP for the State.

None.

Neither SHO nor IO joined the VC, nor filed any explanation in view of order dated 04.09.2020.

So, let notice be issued to SHO and IO with direction to appear physically along-with case file and file explanation in view of order dated 04.09.2020.

Be put up on **09.09.2020**.


(MANOJ KUMAR)

MM-06/THC/Central/05.09.2020