

FIR No. 177/2020

P.S Rajouri Garden

09.06.2020

An application moved on behalf of the applicant for release of vehicle no. DL4CAU7581 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 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 **DL4CAU7581** 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/09.06.2020

FIR No. 842/19

P.S Nihal Vihar

State Vs. Gaurav

u/s 379/411/34 IPC

09.06.2020

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 24.02.2020. 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.

Without going into the merits of the case as well as in view of emergent conditions prevailing due to outbreak of Novel Corona Virus (Covid-19) and a step towards de-congestion of the jail and to protect health and safety of the accused as well as jail inmates, I deem it appropriate to admit the applicant/ accused on bail on furnishing




personal bond in the sum of Rs.10,000/- with one surety in like amount subject to the condition that accused shall stay away from the vicinity of the complainant's house and shall not make any efforts to communicate with the complainant. Accused shall inform about his fresh address to IO prior to 15 days of shifting to any other address / place.

PB/SB not furnished.

Information in this regard be sent to the concerned Jail Superintendent.

Application stands disposed off in above terms.

As requested, a copy of the order be given dasti to the IO.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 419/2020

P.S Paschim Vihar (East)

09.06.2020

Present: Ld. APP for the State.

Counsel for applicant.

A perusal of record shows that TIP is pending ^{of accused} ~~of accused~~ in the present case for 15.06.2020.

At request of Ld. Counsel for applicant, put up for date fixed i.e 16.06.2020.

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



(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 339/20

P.S Punjabi Bagh

09.06.2020

An application moved on behalf of the applicant for release of vehicle no. DL1RT9503 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

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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.”

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 **DL1RT9503** 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/09.06.2020

FIR No. 89/20

P.S Kirti Nagar

09.06.2020

An application moved on behalf of the applicant for release of vehicle no. DL9CAJ0597 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 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.

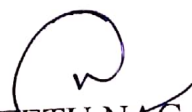
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

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 **DL9CAJ0597** 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/09.06.2020

eFIR No. 000176/2020

P.S Tilak Nagar

State Vs. Laxmi narayan @ Bitoo

09.06.2020

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 06.02.2020. 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.

Without going into the merits of the case as well as in view of emergent conditions prevailing due to outbreak of Novel Corona Virus (Covid-19) and a step towards de-congestion of the jail and to protect health and safety of the accused as well as jail inmates, I deem it appropriate to admit the applicant/ accused on bail on furnishing




personal bond in the sum of Rs.10,000/- with one surety in like amount subject to the condition that accused shall stay away from the vicinity of the complainant's house and shall not make any efforts to communicate with the complainant. Accused shall inform about his fresh address to IO prior to 15 days of shifting to any other address / place.

PB/SB not furnished.

Information in this regard be sent to the concerned Jail Superintendent.

Application stands disposed off in above terms.

As requested, a copy of the order be given dasti to the IO.


(NEETU NAGARKAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 296/2020

P.S Mundka

State Vs. Avinash @ Mintu

u/s 33 Delhi Excise Act

09.06.2020

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 04.06.2020. 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.

Without going into the merits of the case as well as in view of emergent conditions prevailing due to outbreak of Novel Corona Virus (Covid-19) and a step towards de-congestion of the jail and to protect health and safety of the accused as well as jail inmates, I deem it appropriate to admit the applicant/ accused on bail on furnishing



personal bond in the sum of Rs.5,000/- with one surety in like amount subject to the condition that accused shall stay away from the vicinity of the complainant's house and shall not make any efforts to communicate with the complainant. Accused shall inform about his fresh address to IO prior to 15 days of shifting to any other address / place.

PB/SB not furnished.

Information in this regard be sent to the concerned Jail Superintendent.

Application stands disposed off in above terms.

As requested, a copy of the order be given dasti to the IO.

(NEBTU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 371/19

P.S Mundka

State Vs. Dhanjee

09.06.2020

Present: Ld. APP for the State.

Counsel for applicant.

Ld. Counsel for applicant submits that he wants to withdraw his present application. Separate statement of Ld. Counsel for applicant is endorsed on the application itself.

Accordingly, the present application stands dismissed as withdrawn.

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



(NEETU NAGAR)

D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

eFIR No. 00334/2020

P.S Ranhola

State Vs. Deepak @ Deepu

09.06.2020

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 05.06.2020. 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.

Without going into the merits of the case as well as in view of emergent conditions prevailing due to outbreak of Novel Corona Virus (Covid-19) and a step towards de-congestion of the jail and to protect health and safety of the accused as well as jail inmates, I deem it appropriate to admit the applicant/ accused on bail on furnishing



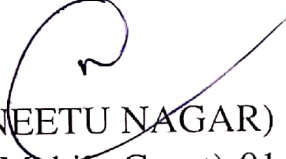
personal bond in the sum of Rs.15,000/- with one surety in like amount subject to the condition that accused shall stay away from the vicinity of the complainant's house and shall not make any efforts to communicate with the complainant. Accused shall inform about his fresh address to IO prior to 15 days of shifting to any other address / place.

PB/SB not furnished.

Information in this regard be sent to the concerned Jail Superintendent.

Application stands disposed off in above terms.

As requested, a copy of the order be given dasti to the IO.


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 623/19

P.S Nangloi

State Vs. Shahzad Hussain Jaidi

u/s 25/54/59 A.Act

09.06.2020

Present: Ld. APP for the State.

Sh. Aman Goyal, 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 28.09.2019. 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.

Without going into the merits of the case as well as in view of emergent conditions prevailing due to outbreak of Novel Corona Virus (Covid-19) and a step towards de-congestion of the jail and to protect health and safety of the accused as well as jail inmates, I deem it appropriate to admit the applicant/ accused on bail on furnishing



personal bond in the sum of Rs.10,000/- with one surety in like amount subject to the condition that accused shall stay away from the vicinity of the complainant's house and shall not make any efforts to communicate with the complainant. Accused shall inform about his fresh address to IO prior to 15 days of shifting to any other address / place.

PB/SB not furnished.

Information in this regard be sent to the concerned Jail Superintendent.

Application stands disposed off in above terms.

As requested, a copy of the order be given dasti to the IO.

(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020

FIR No. 0189/2020

P.S Rajouri Garden

State Vs. Yogesh Kumar

09.06.2020

Present: Ld. APP for the State.

Counsel for applicant.

Ld. Counsel for applicant submits that he wants to withdraw his present application. Separate statement of Ld. Counsel for applicant is endorsed on the application itself.

Accordingly, the present application stands dismissed as withdrawn.

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


(NEETU NAGAR)
D/MM (Mahila Court)-01, West,
THC/Delhi/09.06.2020