

08.09.2020

**Joined meeting through Video conferencing at 10:20 am.**

Present : Ld. APP for the State has joined meeting through Cisco Webex.  
Sh. Nitin Gupta, Ld. Counsel on behalf of applicant/accused Sumit has joined meeting through Cisco Webex.

This is 2<sup>nd</sup> 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 07.08.2020. Ld. Counsel argued that the looted motorcycle was recovered under Section 41.1(d) Cr. P.C. PS Kotwali. He further argued that the looted amount was recovered from one Pawan Kumar and not from the present applicant/accused. He further argued that applicant/accused is a young man of 21 years of age and he has been falsely implicated in three other cases on the same day of his arrest. Therefore, applicant/accused should be granted bail in this case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that applicant/accused has been arrested when he was going on motorcycle after looting the complainant of the present case. The alleged looted amount was later on recovered from one Pawan Kumar.

Heard. Perused.

There is specific allegations against applicant/accused. The bail application of applicant/accused also got dismissed on 26.08.2020. The offence is serious in nature. Thus, considering the gravity of the offence and seriousness of the allegations, 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 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/08.09.2020

FIR No.334/20

PS –Civil Lines

State Vs. Sachin S/o Sh. Ram Niwas R/o

H.no.B-2/379, Sultan Puri, Delhi.

U/s. 379/411/34 IPC

08.09.2020

**Joined meeting through Video conferencing at 10:25 am.**

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

None.

Report has been received electronically from jail superintendent.

Perused.

Ahlmad is directed to send the correct particulars of accused to the jail superintendent. Jail Superintendent is directed to release the accused forthwith, if not required in any other case. 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 and to jail superintendent.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

**Joined meeting through Video conferencing at 10:30 am.**

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

Ms. Seema Saharawat, Ld. Counsel on behalf of applicants/accused Ankush Baliyan and Vishal Taliyan has joined meeting through Cisco Webex.

Vide this common order, I am disposing off the bail applications of applicants/accused persons.

This is an application under Section 437 Cr. PC for grant of bail of applicants/accused persons wherein it has been submitted that applicants/accused persons have been falsely implicated in this case and they are in JC since 03.09.2020. Ld. Counsel argued that applicants/accused persons are young men and not involved in any other case. She further argued that applicants/accused persons came to Delhi from Meerut for taking coaching. She further argued that there is no question of tampering with the evidence or threatening the complainant as complainant is the police official. She further argued that both applicants/accused persons are poor and ready to join investigation. Therefore, they should be granted bail in this case.

Reply has been filed by IO electronically. Copy of same supplied to Ld. Counsel electronically. Perusal of the reply shows that applicants/accused persons manhandled the police officials and they were under the influence of alcohol. The co-accused persons are still to be arrested and vehicles to be recovered. Therefore, they should not be granted bail in this matter.

Heard. Perused.

The co-accused persons are still to be arrested. The vehicles in which other accused persons ran away also to be recovered. The accused persons were sitting in two cars, thus, prima-facie it seems that they are not poor persons. The investigation is at initial stage. There is specific allegations against applicants/accused persons. Such crimes are on a rise when public servants are being beaten up by public persons. Such incident demoralize the police officials. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicants/accused persons and the present bail applications are 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 Civil Lines. The printout out of the applications, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

Joined through Video conferencing at 10:35 am.

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

Sh. Manoj Kumar, Ld. Counsel for applicant/accused has joined meeting through Cisco Webex.

This is an application for release of vehicle bearing no.DL-5SBH-7473 on superdari.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that RC of the vehicle still not got verified.

Let, fresh notice be issued to IO/SHO with direction to file fresh report on 10.09.2020.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

Joined through Video conferencing at 10:40 am.

*This is an application for releasing currency notes of Rs, 1 lacs on superdari.*

Present : Ld. APP for the State.

Sh. Saifi Ahmad, Ld. Counsel on behalf of applicant Shakeeb Shafi has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied electronically to Ld. Counsel

Instead of releasing the currency notes on superdari, this Court is of the view that the currency notes 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 :-

"65. The currency notes seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim after preparing detailed panchnama of currency notes with their numbers or denomination, taking photographs of the currency notes and taking a security bond.

66. The photographs of such currency notes should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over and memo of the proceedings be prepared which must be signed by the parties and witnesses.

67. The production of the currency notes during the course of trial should not be insisted upon and the releasee should be permitted to use the currency."

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, currency notes in question as per seizure memo be released to the applicant on furnishing security bond of Rs.1 lac and after preparation of panchnama and taking photographs of currency notes as per directions of **Hon'ble High of Delhi** in above cited paragraphs. After preparation of panchnama of currency notes and furnishing of security bond as per directions of **Hon'ble High Court of Delhi**, currency notes be released by IO. 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 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/08.09.2020

08.09.2020

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

None has joined meeting through Cisco Webex.

This is an application of the applicant/accused Seema for release of articles seized during jamatalashi as mentioned in the application.

Reply of IO has been received. Copy of same supplied electronically.

Perused.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo to the applicant/accused as per rules which were not part of case property or which are not proceeds of crime** or required for investigation after consultation with IO.

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/08.09.2020

08.09.2020

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

None has joined meeting through Cisco Webex.

This is an application of the applicant/accused Meenakshi for release of articles seized during jamatalashi as mentioned in the application.

Reply of IO has been received. Copy of same supplied electronically.

Perused.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

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/08.09.2020

08.09.2020

FIR No.344/20

PS -Civil Lines

This is an application for releasing article i.e mobile phone.

present :

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

Applicant Jyoti Joshi has not joined meeting despite intimation.

IO has filed his reply electronically. Copy of same supplied to applicant electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. 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 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/08.09.2020



08.09.2020

Joined through Video conferencing at 11:00 am.

Present : Ld. APP for the State has joined through Cisco Webex.  
Sh. Rajesh, Ld. Counsel on behalf of complainant has joined through Cisco  
Webex.

Ld. Counsel has filed an application for transferring the complaint to this Court.  
Be put up for arguments/FP on 10.09.2020.

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

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

Joined meeting through Video conferencing at 11:25 am.

Present : Ld. APP for the State.

Sh. Navjot Kumar, Ld. Counsel on behalf of complainant has joined meeting through Cisco Webex.

None for accused.

Be put up for purpose already fixed/FP on 25.01.2021. Order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

Joined meeting through Video conferencing at 11:20 am.

Present : Ld. APP for the State.

Sh. Rahul Tandon, Ld. LAC on behalf of accused has joined meeting through Cisco Webex.

Be put up for purpose already fixed/FP on 25.01.2021. Order be uploaded on CIS.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

08.09.2020

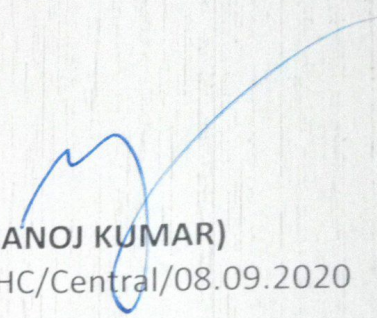
Joined meeting through Video conferencing at 11:15 am.

Present : Ld. APP for the State.

Sh. Pradeep Kumar Anand, Ld. Counsel on behalf of complainant has joined meeting through Cisco Webex.

None for accused.

Be put up for purpose already fixed/FP on 25.01.2021. Order be uploaded on CIS.

  
(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020

Mohd. Imran Vs. Tamanna

PS –Sadar Bazar

CC No.2657/20

08.09.2020

Joined meeting through Video conferencing at 11:10 am.

Present : Sh. Harish Kumar, Ld. Counsel on behalf of complainant Mohd. Imran has  
joined meeting through Cisco Webex.

Be put up for purpose already fixed/FP on 25.01.2021. Order be uploaded on  
CIS.

(MANOJ KUMAR)

MM-06/THC/Central/08.09.2020