

03.11.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HO) vide Office Order No. 1146/36956-37126 DJ(HO)/Covid Lockdown/ Physical Courts Roaster/ 2020 dated 25.10.2020.

This is an application for releasing of vehicle bearing no. DL-14-SJ-8315 on superdari filed by applicant.

Present: Sh. Vikam Dubey, Ld. APP for the State.

Applicant Mr. Karan in person.

Reply filed by the IO. Copy of same has been sent to Ld. Counsel for applicant/applicant. As per reply, 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-14-SJ-8315** 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.

Copy of this order be given dasti to the applicant. 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 e-mail of Ld. Counsel for applicant.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/03.11.2020

03.11.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/ 2020 dated 25.10.2020.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Ricky.

Present : Ld. APP for State.

Mr. P.K. Garg, Id. Counsel for applicant/accused Ricky.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 25.08.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted that investigation is complete as charge-sheet has already been filed and he is not involved in any other case. Therefore, it has been prayed that accused be released on bail.

Submissions heard. Perused.

Considering that charge-sheet has been filed and trial will take sometime, so, I am of the considered view that no fruitful purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 20,000/- with one surety of like amount subject to the following conditions:-

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

Accordingly, the present application is disposed off.

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

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/03.11.2020

03.11.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.1146/36956-37126/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.10.2020.

Present : Ld. APP for the State.

Sh. Ashok Kumar, Ld. Counsel for the applicant/accused Mursaleem @ Faheem.

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 and he is in JC since 11.09.2020. Ld. Counsel argued that applicant/accused refused to participate in TIP as he was shown to the complainant. He further argued that the alleged Adhar card has been implanted upon applicant/accused. He further argued that investigation qua applicant/accused is complete. Therefore, he should be granted bail in this matter.

Reply of IO has been filed electronically. Copy of same supplied to Ld. Counsel for applicant/accused. Ld. APP for the State vehemently opposed the present bail application stating that applicant/accused is a habitual offender and there is specific allegations against applicant/accused.

Submissions of both sides heard.

The applicant/accused refused to participate in TIP and Adhar card got recovered from him. So, prima-facie, there is evidence against applicant/accused regarding his involvement in the present case. Thus, considering the gravity of the offender 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.

Application stands disposed off accordingly. Copy of order be also sent to the e-mail of SHO PS Civil Lines. Dasti copy of order be given to Ld. Counsel as prayed for.

(MANOJ KUMAR)

MM-06/THC/Central/03.11.2020

FIR No. 239/18

PS – Sadar Bazar

03.11.2020

Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.1146/36956-37126/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.10.2020.

Present : Ld. APP for the State.

HC Harpal in person.

He seeks time to bring publication made in leading national newspapers.

At request, put up for further proceedings on 12.11.2020.


(MANOJ KUMAR)

MM-06/THC/Central/03.11.2020

03.11.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/ 2020 dated 25.10.2020.

This is an application for releasing of vehicle bearing no. UP-84-AB-9913 on superdari filed by applicant.

Present: Sh. Vikam Dubey, Ld. APP for the State.

Applicant in person with Ld. Counsel.

Reply filed by the IO. Copy of same has been sent to Ld. Counsel for applicant/applicant. As per reply, 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 CrI. 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. **UP-84-AB-9913** 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.

Copy of this order be given dasti to the applicant. 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 e-mail of Ld. Counsel for applicant.

(**MANOJ KUMAR**)

MM-06(C)/THC/Delhi/03.11.2020

FIR No. 252/20
PS – Sadar Bazar
U/s 33/38/58 Excist Act
State Vs Anita

03.11.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roaster/ 2020 dated 25.10.2020.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Anita.

Present : Ld. APP for State.

Mr. P.K. Garg & Mr. Deepak Kumar, Id. Counsel for applicant/accused Anita.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 28.10.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted that recovery has already been effected and accused is not involved in any other case. Therefore, it has been prayed that accused be released on bail.

On the other hand, Id. APP for the State vehemently opposed the bail application and submitted that illicit liquor got recovered from the possession of accused.

Submissions heard. Perused.

Considering that recovery has already been effected and accused is not involved in any other case, so, I am of the considered view that no fruitful purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 15,000/- with one surety of like amount subject to the following conditions:-

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

Accordingly, the present application is disposed off.

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

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This is an application for releasing of vehicle bearing no. DL-14-SJ-8315 on superdari filed by applicant.

Present: Sh. Vikam Dubey, Ld. APP for the State.

Applicant Mr. Karan in person.

Reply filed by the IO. Copy of same has been sent to Ld. Counsel for applicant/applicant. As per reply, the vehicle is no more required for the purpose of investigation.

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Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **DL-14-SJ-8315** 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.

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Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.1146/36956-37126/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 25.10.2020.

Present : Ld. APP for the State.

Sh. Abhishek Singh, Ld. LAC for the accused.

Ld. LAC for the accused has moved an application electronically for releasing the accused on personal bond. Heard.

Perusal of the case file shows that accused was admitted to bail vide order dated 22.08.2020 subject to furnishing Bail Bond and Surety Bond in sum of Rs.20,000/- each.

In view of the fact that accused is a 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.20,000/- to the satisfaction of jail superintendent.**

Application stands disposed off accordingly. Dasti copy of order be given to Ld. Counsel as prayed for. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar.

(MANOJ KUMAR)

MM-06/THC/Central/03.11.2020