

FIR No. 007750/20
PS: Nihal Vihar
U/s 379 of IPC
03.09.2020

This is an application for releasing vehicle bearing no. DL-4SCJ-0812 on Superdari.

Present:- Ld. APP for the State.

Sh. Shiv Kant Tiwari, AR for ICICI Lombard General Insurance appeared through VC. IO has filed his reply. Taken on record.

I have seen Indemnity bond, Letter of subrogation, Authority letter & original RC.

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

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 reply 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 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 in question bearing registration no. **DL-4SCJ-0812** be released to the applicant on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.

(Pankaj Arora)
DMM/West/THC/Delhi
03.09.2020

FIR No. 0009/20
PS: Maya Puri
03.09.2020

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

Present:- Ld. APP for the State.
Applicant appeared through VC
IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article 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 Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
03.09.2020

FIR No. 6000/20
PS: Nihal Vihar
U/s 379/411 of IPC
State Vs. Sahil
03.09.2020

Present: Ld. APP for the State through Cisco Webex meeting
URL <https://delhidistricts.webex.com/join/mm03west>.
Sh. Tarun Sharma, Ld counsel for the accused through Cisco
Webex meeting URL
<https://delhidistricts.webex.com/join/mm03west>.

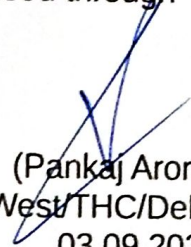
Argument heard on the interim bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Sahil is admitted to bail on his furnishing the personal bond in the sum of Rs. 10,000/- to the satisfaction of Jail Superintendent concerned. Jail Superintendent shall also ascertain from PS concerned as to whether the address of the accused is verified or not before releasing the accused.

Full signed duplicate of this order be sent to Jail Superintendent concerned, which shall also be treated as release warrant upon the acceptance of personal bond.

Copy of this order be supplied to Ld. counsel for the accused through Whatsapp.


(Pankaj Arora)
DMM/West/THC/Delhi
03.09.2020

FIR No. 605/20
PS: Nihal Vihar
U/s 379/411 of IPC
State Vs. Salman
03.09.2020


Present: Ld. APP for the State through Cisco Webex meeting
URL <https://delhidistricts.webex.com/join/mm03west..>
Sh. K.K. Singh, Ld LAC for the accused through Cisco Webex
meeting URL <https://delhidistricts.webex.com/join/mm03west..>

Argument heard on the interim bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

There is an allegation against the accused of have been snatched the mobile phone of the pedestrian/complainant. The accused is already involved in cases pertaining to robber, attempt to murder etc. The allegations are serious in nature. No ground is made out for grant of bail at this stage. Accordingly, the present bail application is hereby dismissed.

Copy of this Order be given Dasti, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
03.09.2020

FIR No. 694/20
PS: Nihal Vihar
U/s 457/380/411/34 of IPC
State Vs. Ankush Verma
03.09.2020

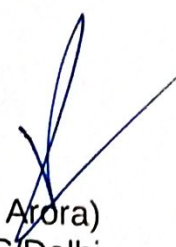
Present: Ld. APP for the State through Cisco Webex meeting
URL <https://delhidistricts.webex.com/join/mm03west>.
Sh. K.K. Singh, Ld LAC for the accused through Cisco Webex
meeting URL <https://delhidistricts.webex.com/join/mm03west>.

Argument heard on the interim bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected and as per the charge-sheet, nobody had seen the accused while committing the theft at the house in question. No useful purpose will be served by keeping the accused in JC. Accordingly, the accused Ankush Verma is hereby released on bail on his furnishing the personal bond in the sum of Rs. 20,000/- and one surety of the like amount.

Copy of this order be given Dasti to Ld..LAC, as prayed for.


(Pankaj Atora)
DMM/West/THC/Delhi
03.09.2020

FIR No. 644/19
PS: Nihal Vihar
U/s 379/356/411/34 of IPC
State Vs. Rahul @ Bunty
03.09.2020

Present: Ld. APP for the State through Cisco Webex meeting
URL <https://delhidistricts.webex.com/join/mm03west..>
Sh. Varun Kumar, Ld. counsel for the accused through Cisco Webex
meeting URL <https://delhidistricts.webex.com/join/mm03west>.


Argument heard on the interim bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the accused has already suffered incarceration in JC for about 1 year, no useful purpose will be served by keeping the accused in JC particularly in view of outbreak of COVID-19. Accordingly, the accused Rahul @ Bunty be hereby released on interim bail for 45 days, if he is not required to be kept in JC in any other criminal case, on his furnishing the personal bond in the sum of Rs. 15,000/- to the satisfaction of Jail Superintendent concerned. Jail Superintendent shall also ascertain from PS concerned as to whether the address of the accused is verified or not before releasing the accused.

Full signed duplicate of this order be sent to Jail Superintendent concerned, which shall also be treated as release warrant upon the acceptance of personal bond.

Copy of this order be given Dasti, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
03.09.2020