

16.06.2020

Parties joined through Video conferencing at 03:05 pm.

Present : Ld. APP for the State.
Sh. Satish Kumar, Ld. LAC for accused Mohd. Tohid.
Connected 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 and he is in JC since 30.12.2019. Ld. LAC argued that recovery has already been effected and investigation is complete in the present case. Therefore, he should be granted bail in this matter.

Reply of IO has been filed wherein it has been submitted that recovery has been effected from applicant/accused and he is involved in one another matter.

Submissions of both sides heard.

Considering that recovery has already been effected and investigation is complete, so no purpose would be served by keeping accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.15,000/- 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 Sadar Bazar.

(MANOJ KUMAR)

MM-06/THC/Central/16.06.2020

16.06.2020

Parties joined through Video conferencing at 02:15 pm.

Present : Ld. APP for the State.

Sh. Manish Kumar, Ld. Counsel for accused Umesh @ Dantla.

Connected through Cisco Webex.

Reply of the IO received through e-mail.

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 16.05.2020. Ld. Counsel argued that co-accused Nonu has already been granted bail by Ld. Sessions Court on 12.06.2020. He further argued that only recovery effected from the present applicant/accused and same has been implanted upon him. Therefore, he should be granted bail in this matter.

Perusal of the reply of IO shows that Rs.1100/- got recovered from the present applicant/accused and he has been apprehended at the instance of co-accused. The present applicant/accused is also involved in one another case.

Submissions of both sides heard.

Considering that recovery has already been effected, one of the co-accused is already on bail and investigation qua present applicant/accused is almost complete, so no purpose would be served by keeping accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.15,000/- 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 Sadar Bazar.

(MANOJ KUMAR)

MM-06/THC/Central/16.06.2020

16.06.2020

Parties joined through Video conferencing at 02:30 pm.

Present : *This is an application for releasing article i.e mobile phone.*
Ld. APP for the State.

AR/applicant Suhhayu Bhattacharya in person.

Sh. Jovika Nabhnani is the owner of the mobile phone.

Connected through Cisco Webex.

IO has filed his reply. Same is taken on record.

This is an application for releasing of mobile phone on superdari submitting that he is authorized person to get released the mobile phone on behalf of owner. Copy of authorization letter filed along-with application.

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 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 :-

"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 AR/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.

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.

(MANOJKUMAR)
MM-06/THC/Central/16.06.2020