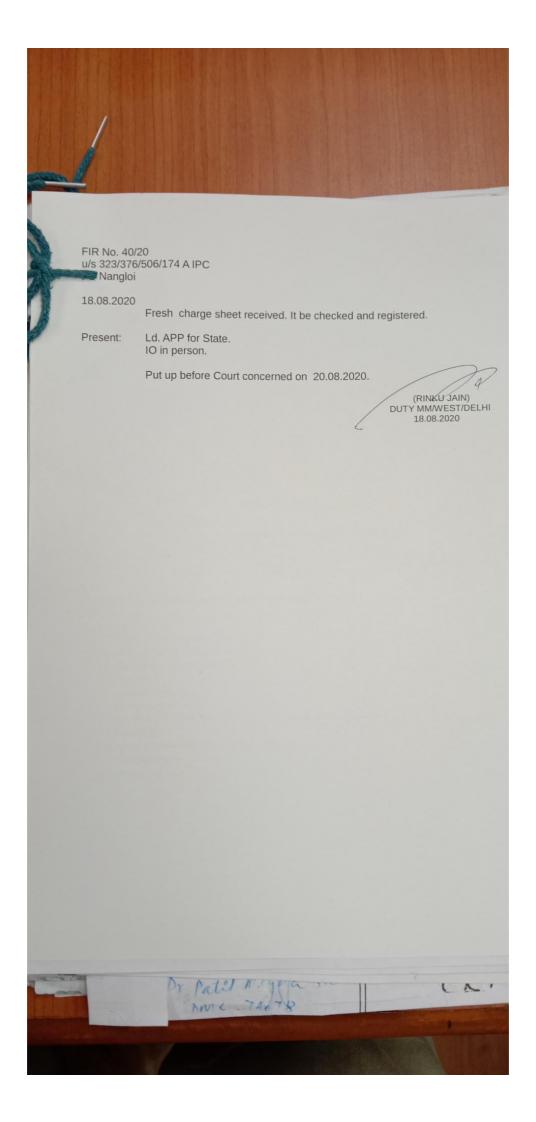
FIR No. 279/19 376B/506/34/174 A IPC PS Nangloi 18.08.2020 Fresh supplementary charge sheet received. It be checked and registered. Ld. APP for State. IO in person. Present: Put up before Court concerned on 20.08.2020. (RINKU JAIN) DUTY MM/WEST/DELHI 18.08.2020



State Vs.Tanway Singhal FIR No. 484/2020 PS Paschim Vihar East

18.08.2020

Present: Ld. APP for State.

None for applicant. Surety absent.

Vide order dt. 22.07.2020, bail bonds were accepted subject to verification of the same.

Verification report received. Same is satisfactory.

Bail bonds accepted.

Original RC is already on record. Same be retained.

Robkar be issued as and when applied for by surety.

Disposed off accordingly.

FIR No. 423/2020 u/s 186/353/506 IPC PS Hari Nagar

18.08.2020

Fresh challan received. It be checked and registered.

Present:

Ld. APP for State. IO in person.

Put up for consideration on 24.08.2020.

(RIMKU JAIN)/ DUTY MMWEST/DELHI 18.08.2020

The copy of the statement of HAV Sh. S. Ashok Kurnar, TSP, Roll 4500 and TSP PC Sh. S.Babu, Roll no 3171 is enclosed herewith for your kiperusal please. Apart from it the CCTV footage preserved (CD forms showing the incident corresponding to the statement of the TSP officials.

FIR No.OD-NG-000617/2020 U/s 379 IPC PS Nangloi Mobile Phone make VIVO Y-15

18.08.2020

This is an application for releasing article i.e. Mobile Phone make VIVO Y-15 on superdari.

Present

Ld. APP for the State. Applicant in person.

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, Mobile Phone make VIVO Y-15 in question as per seizure memo be released to the applicant if IO has no objection in releasing the same and the above mentioned mobile phone is not required for further investigation by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above directions of Hon'ble High Court of Delhi in above cited paragraphs.

Panchnama, photographs, valuation report and security bond shall be filed along-with final

Dasti copy of order be given as prayed for.

DUTY MM/WEST/DELHI 18.08.2020

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cont.

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FIR No. 83/2020 u/s 354/354B/323/506/342/34 IPC PS Paschim Vihar West

18.08.2020

Fresh challan received. It be checked and registered.

Present:

Ld. APP for State. IO in person.

Put up for consideration on 25.08.2020.

(RINKU JAIN) DUTY MMWEST/DELHI 18.08.2020

your kind perusal and record please.

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FIR No.039376/2019 U/s 379 IPC PS Paschim Vihar West Vehicle No. UP-14 DW 6478

18.08.2020

Present: Ld. APP for state.
None for applicant.

Reply not filed by IO.

Same be positively filed by NDOH.

Put up for consideration on 24.08.2020.

State Vs.Dharmender FIR No.817/2020 U/s 33/38 Delhi Excise Act PS Nihal Vihar

18.08.2020

Present:

Ld. APP for State.

None for applicant.

Reply not filed by IO. Same be filed positively by

NDOH.

Put up for consideration of bail application on

19.08.2020.

State Vs.Shahbuddin e-FIR No.000107/2020 U/s 41 (1) (d) PS Anand Parbat

18.08.2020

Present: Ld. APP for State.

None for applicant.

Put up for consideration of bail application on

19.08.2020.

State Vs.Shahzad Hussain Jaidi e-FIR No. 000278/19 U/s 379/411 IPC PS Nangloi

18.08.2020

Present: Ld. APP for State.

None for applicant.

Put up for consideration of bail application on 19.08.2020.

FIR No. 446/20 u/s 279/304 A IPC PS Maya Puri

18.08.2020

Present: Ld

Ld. APP for State. Ld. Counsel for applicant through VC.

Ld counsel for applicant submits that he wishes to withdraw the present application as the same has been filed for the second time inadvertently.

In view of submission of Id counsel for applicant, the present application stands disposed off as withdrawn.

State Vs.Vishal @ Karan FIR No.574/2020 U/s 25/54/59 Arms Act PS Khyala

18.08.2020

Present: Ld. APP for State through VC.

Ld counsel Sh. Akhil Tarun Goel for accused/applicant.

An application for bail u/s 437 Cr. P. C has been filed on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

Accused is in JC since 02.06.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Vishal @ Karan s/o Sh. Babu Lal is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 20,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail bond / surety bond not filed.

The application stands disposed off accordingly.

At request a copy of this order be given dasti.

(RIMKU JAIN) DUTY MM/WEST/DELHI 18.08.2020

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State Vs.Ranjeet FIR No. 572/2020 U/s 379/356/411/188 IPC PS Nihal Vihar

18.08.2020

Present: Ld. APP for State.

Ld LAC Sh. Vikas Kumar for accused/applicant.

An application for bail u/s 437 Cr. P. C has been filed on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

Accused is in JC since 11.07.2020. Recovery has already been effected from accused. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Ranjeet s/o Sh. Mahinder is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail bond / surety bond not filed.

The application stands disposed off accordingly.

At request a copy of this order be given dasti to ld counsel for accused/applicant.

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(RINKU JAIN) DUTY-MM/WEST/DELHI 18.08.2020

regular bail on the ground of above mentioned reason in ordinary manner.

10. That the applicant/accused stated that he has not applied similar bail application before any court.

State Vs.Devinder Singh @ Prince FIR No. 588/19 U/s 356/379/34 IPC PS Rajouri Garden

18.08.2020

Present: Ld. APP for State.

Ld. Counsel for accused/applicant through VC.

An application for bail u/s 437 Cr. P. C has been filed on behalf of accused/applicant.

Reply filed. Same is taken on record.

Heard. Perused.

Accused is in JC since 29.07.2020. Recovery has already been effected from accused. As per the reply filed by IO, complainant had refused to identify the accused in the complaint itself. No fruitful purpose would be served by keeping the accused in custody.

In view of the same, the application of the applicant/accused namely Devinder Singh @ Prince s/o Sh. Kirpal Singh is allowed and accused is admitted to bail on furnishing of personal bond in the sum of Rs. 15,000/- with one surety in the like amount.

Bail bond and surety bond would be accepted only after verification through IO of this case.

Bail bond / surety bond not filed.

The application disposed off accordingly.

e-FIR No.015944/20 U/s 379 IPC PS Anand Parbat Vehicle No. DL-6S-AX-4720

18.08.2020

This is an application for releasing vehicle bearing no. DL-6S-AX-4720 on Superdari. Present:-Ld. APP for the State

Ld. counsel for applicant.

Reply filed by IO. Same is taken on record.

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 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 no. DL-6S-AX-4720 be released to the registered owner after due identity verification on furnishing security bond as per valuation report of the vehicle. IO shall check/verify the valid insurance certificate of the vehicle before releasing the same. 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 Darti order rejerce

(RINKU JAIN) DUTY MM/WEST/DELHI

18.08.2020

FIR No.OD-PCE-000576/2020 U/s 379/411 IPC PS Paschim Vihar East Mobile VIVO Y91

18.08.2020

This is an application for releasing article i.e. Mobile VIVO Y91 on superdari.

Present

Ld. APP for the State. Applicant in person.

Reply filed by IO. Same is taken on record.

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, mobile phone make Mobile VIVO Y91 in question as per seizure memo be released to the applicant by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above directions of Hon'ble High Court of Delhi in above cited paragraphs.

Panchnama, photographs, valuation report and security bond shall be filed along-with final

Dasti copy of order be given as prayed for.

State Vs.Amit FIR No.737/2020 U/s 25/54/59 Arms Act PS Khyala

18.08.2020

Present: Ld. APP for State through VC. None for applicant.

The present application was filed for calling status report regarding non release of accused.

Report filed by Jail Authorities. Same is taken on record.

As per the reply filed by Jail Authorities, the accused has already been released on 06.08.2020.

In view of the same, the present application stands disposed off as infructuous.

(RINKU JAIN) DUTY MM/WEST/DELHI 18.08.2020

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Ths Hazari Courts, Delm-110054 Mobile No.- 9868821710

State Vs.Ajit FIR No.0411/2020 U/s 33/38/58 Delhi Excise Act PS Maya Puri

18.08.2020

This is an application for releasing articles i.e. mobile phone and wallet containing cash amount of Rs. 1440/- on superdari.

Present :

Ld. APP for the State.

Ld. Counsel for applicant through VC.

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*, mobile phone and wallet containing cash amount of Rs. 1440/- in question as per seizure memo be released to the applicant if IO has no objection in releasing the same and the above mentioned mobile phone is not required for further investigation by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above directions of *Hon'ble High Court of Delhi* in above cited paragraphs.

Panchnama, photographs, valuation report and security bond shall be filed along-with final report. Dasti copy of order be given as prayed for.

FIR No.OD-NG-000595/2020 U/s 379 IPC PS Nangloi Mobile Phone (Realme) 2 Pro

18.08.2020

This is an application for releasing article i.e. Mobile Phone (Realme) 2 Pro on superdari.

Ld. APP for the State. None for applicant.

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 dacoty 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, mobile phone make Realme 2 Pro in question as per seizure memo be released to the applicant if IO has no objection in releasing the same and the above mentioned mobile phone is not required for further investigation by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above directions of Hon'ble High Court of Delhi in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report. Dasti copy of order be given as prayed for.

> (RINKU JAIN) DUTY MM/WEST/DELHI 18.08.2020

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Ajay Sharma En No. D-69/18 Advocate Ch No. T-36, Tehsil Road Tis Hazari Court, Delhi-110054 (M): 9811319341, 8285424550

e-FIR No.11245/18 U/s 379 IPC PS Maya Puri Vehicle No. DL-4SBJ-2836

18.08.2020

This is an application for releasing vehicle bearing no. DL-4SBJ-2836 on Superdari.

Present:-

Ld. APP for the State.

None for applicant.

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 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 no. DL-4SBJ-2836 be released to the registered owner after due identity verification and if the IO/SHO has no objection in release of the abovesaid vehicle and the same is not required any further for investigation of the present case on furnishing security bond as per valuation report of the vehicle. IO shall check/verify the valid insurance certificate of the vehicle before releasing the same. 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.

e-FIR No.WD-RG-000384 U/s 379 IPC PS Raja Garden Mobile VIVO Y55 S

18.08.2020

This is an application for releasing article i.e. Mobile Vivo Y55 S on superdari

Present:

Ld. APP for the State None for applicant.

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 decoupt 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, mobile phone make Mobile Vivo Y55 S in question as per seizure memo be released to the applicant if IO has no objection in releasing the same and the above mentioned mobile phone is not required for further investigation by IO on furnishing ownership proof, security bond as per valuation report of mobile phone and after preparation of panchnama and taking photographs of mobile phone including its IMEI numbers as per above directions of Hon'ble High Court of Delhi in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report. Dasti copy of order be given as prayed for.

> (RINKU JAIN) DUTY MM/WEST/DELHI 18.08.2020

applicant and informed to the applicant for the same and now the Mobile is lying at