

19.10.2020

This is an application for release of articles i.e. two gas cylinders and one Gas Chulla.

Present : Ld. APP for the State has joined through Cisco Webex.
None has joined through Cisco Webex.
Applicant has filed wrong FIR number. The correct FIR is 417/20 PS Civil Lines.
IO has filed his reply in FIR No.417/20.

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*, articles in question as per reply be released to the applicant on furnishing security bond as per valuation report of the articles and after preparation of panchnama and taking photographs of articles as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the articles 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. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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KUMAR
Date:
12.10.2020
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(MANOJ KUMAR)
MM-206(C)/THC/Delhi/19.10.2020

19.10.2020

Through Video conferencing at 10:00 am.

This is an application of the applicant Sandeep for release of driving license on superdari.

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

Sh. S.P. Rana, Ld. Counsel on behalf of applicant Sandeep has joined through Cisco Webex.

This is an application of the applicant for release of driving license on superdari. Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically.

Heard.

Application is considered and allowed subject to furnishing of superdarinama in the sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the satisfaction of the IO and further subject to the condition that applicant shall produce the same before the Court as and when directed to do so.

Application stands disposed off accordingly. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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19.10.2020

Through Video conferencing at 10:10 am.

Present : Ld. APP for the State has joined through Cisco Webex.
Sh. Ravinder Kumar, Ld. Counsel on behalf of applicant/accused Maroof has joined 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 20.09.2020. Ld. Counsel argued that co-accused persons are already on bail and recovery has already been effected. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Ld. APP for the State vehemently opposed the present bail application stating that one motorcycle got recovered from applicant/accused in DD No.110A dated 16.09.2020 by the staff of PS Jagat Puri and he is involved in one another case.

Submissions of both sides heard.

Considering that recovery has already been effected and investigation qua applicant/accused 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. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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19.10.2020

Through Video conferencing at 10:15 am.

Present : Ld. APP for the State has joined through Cisco Webex.
Sh. Abhishek Kumar, Ld. LAC on behalf of applicant/accused Prashant @
Piyush has joined 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 27.05.2020. Ld. LAC argued that recovery has already been effected and investigation is complete and charge-sheet has been filed. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Ld. APP for the State vehemently opposed the present bail application stating that applicant/accused is a habitual offender and involved in several other cases.

Submissions of both sides heard.

Perusal of the charge-sheet shows that Rs.2500/- and PAN card of complainant got recovered from the possession of applicant/accused. Applicant/accused was arrested on the identification of the complainant. However, considering that applicant/accused remained in JC in more than four and a half months and due to Covid-19 pandemic, trial will take some time, so lenient view is taken against him and he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.20,000/- 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. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

19.10.2020

Through Video conferencing at 10:25 am.

Present : Ld. APP for the State has joined through Cisco Webex.
Sh. Sunil Tiwari, Ld. Counsel on behalf of applicant/accused Honey @ Killa
has joined 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 09.09.2020. Ld. Counsel argued that recovery has already been effected and applicant/accused is on bail on another matters. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Ld. APP for the State vehemently opposed the present bail application stating that applicant/accused is involved in similar other cases and recovery has been effected from applicant/accused.

Submissions of both sides heard.

The recovery of Rs.1500/- has been shown from the applicant/accused. However, there is no identification of the currency notes. Mere recovery of currency prima-facie cannot be connected with the stolen currency. Moreover, investigation qua applicant/accused is almost complete and nothing more to be done as far as investigation is concerned. Thus, due to Covid-19 pandemic, lenient view is taken against applicant/accused and 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. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MAN-06(C)/THC/Delhi/19.10.2020

19.10.2020

This is an application for releasing vehicle bearing registration number DL-

1RQ-1628 on superdari.

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

None has joined through Cisco Webex.

Applicant Smt. Mangi is the mother of the actual owner.

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

Perusal of the same shows that IO has no objection, if vehicle is released to the applicant.

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

"68. 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 not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-1RQ-1628 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per 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.

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 of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/19.10.2020

19.10.2020

Through Video conferencing at 10:20 am.

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

Sh. Sandeep Gupta, Ld. Counsel on behalf of applicant/accused Lala @
Kayamuddin has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of
applicant/accused.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel
electronically.

At this stage, Ld. Counsel for accused submits that he wants to withdraw the
present bail application.

In view of the same, present bail application stands allowed to be withdrawn.
Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the
applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/19.10.2020