

FIR No.184/18

PS : Sadar Bazar

14.07.2020

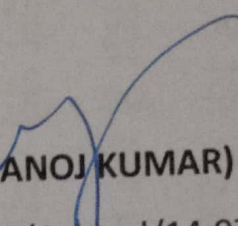
Through Video conferencing at 11:40 am.

Present : Ld. APP for the State.

IO/HC Pradeep joined through Cisco Webex.

At request of IO, matter is adjourned.

Be put up on 16.07.2020.

  
(MANOJ KUMAR)

MM-06/THC/Central/14.07.2020

14.07.2020

Through Video conferencing at 11:30 am.

*This is an application for releasing article i.e mobile phone.*

Present : Ld. APP for the State.

Mohd Zuheb Qureshi, Ld. LAC for applicant Choudhary Najam Ahmed joined through Cisco Webex.

IO has filed his reply electronically.

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*, article in question i.e. mobile phone be released to the 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.

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

(MANOJ KUMAR)

MM-06/THC/Central/14.07.2020

14.07.2020

*File taken up today in pursuance to the order No.8188-8348/DI/Covid-19/Lockdown/pronouncements/2020 dated 06.05.2020 regarding pronouncement of judgments/orders.*

Present : Ld. APP for the State.

None.

Ld. Counsel for accused has been contacted through mobile phone by the Ahlmad of the Court. He seeks time to argue in this matter as he is out of station. So, no effective hearing can take place.

At request, be put up for purpose already fixed for 28.09.2020. One copy of order be uploaded on CIS. A printout of the order be tagged with the main case file.

(MANOJ KUMAR)

MM-06/THC/Central/14.07.2020

14.07.2020

Through Video conferencing at 11:35 am.

Present : Ld. APP for the State.

Sh. Saurabh Tyagi, Ld. Counsel for applicant/accused Devendra @ Sumit 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 07.07.2020. Ld. Counsel argued that applicant/accused is 26 years of age and not involved in any other case. He further argued that two accused persons have been arrested in the present case, so separate FIRs should have been registered. Therefore, applicant/accused should be granted bail in this matter.

Reply of IO has been filed electronically wherein it has been submitted that one country made pistol and two live cartridges were recovered from the possession of applicant/accused and he is not involved in any other case.

Submissions of both sides heard.

Considering that investigation qua present applicant/accused is almost complete and he is not involved in any other case, so no purpose would be served by keeping the applicant/accused behind bars. Therefore, 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.

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

(MANOJ KUMAR)

MM-06/THC/Central/14.07.2020