

18.09.2020

Through Video conferencing at 10:00 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Zia Afroz, Ld. Counsel on behalf of applicant/accused Abhishek has joined through Cisco Webex.

Ld. Counsel for the accused has moved an application for releasing the accused on personal bond. Ld. Counsel for accused submitted that accused was directed to be released from JC on furnishing Bail Bond and Surety Bond in sum of Rs.5,000/- each vide order dated 26.08.2020 by Duty MM, Tihar Court Complex. The report in this regard was also called on 09.09.2020. He further submitted that accused is very poor and not in a position to arrange for a surety. He further submits that there was no evidence against accused and he was directed to be released in the present case.

Heard. Perused.

Considering that accused cannot arrange for a surety and there was no evidence against accused and release order has already been passed vide order dated 26.08.2020, so application of the applicant/accused is allowed. **The concerned jail superintendent is directed to release the accused on furnishing personal bond in sum of Rs.5,000/- to the satisfaction of jail superintendent.**

Application stands disposed off accordingly.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines.

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MM-06(C)/THC/Delhi/18.09.2020

18.09.2020

Through Video conferencing at 10:10 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Nikhil Yadav, Ld. LAC on behalf of applicant/accused Pappu 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 electronically. Copy of same supplied to Ld. LAC electronically.

As per record, applicant/accused Pappu has already been granted bail by this Court vide order dated 11.09.2020.

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

In view of the same, present bail application stands allowed to be withdrawn. One 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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MM-06(C)/THC/Delhi/18.09.2020

18.09.2020

Through Video conferencing at 10:05 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined meeting despite intimation.

This is an application for release of vehicle on superdari.

Reply of IO has been received electronically. Copy of same sent to Ld. Counsel electronically. Perusal of the reply shows that some more time is required to verify the RC of the vehicle.

Let, notice be issued to IO with direction to verify the RC of the vehicle and file report electronically on **21.09.2020**.

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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MM-06(C)/THC/Delhi/18.09.2020

18.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined through Cisco Webex.

This is an application for release of vehicle on superdari.

Report has been filed by IO electronically. Copy of same sent to Ld. Counsel electronically. Perusal of the same shows that vehicle of the applicant got seized under Section 40A Delhi Excise Act. The concerned evening Court has the jurisdiction to entertain the present kalandra.

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

In view of the same, present bail application stands allowed to be withdrawn. Ld. Counsel is directed to approach the concerned Evening Court for disposal of the kalandra. One 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.

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Date: 2020.09.18
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MM-06(C)/THC/Delhi/18.09.2020

18.09.2020

Through Video conferencing at 10:20 am.

This is an application for releasing vehicle bearing registration number DL-2SR-2425 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. S.R. Kamat, Ld. Counsel on behalf of complainant/injured Manish Kumar has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he 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-2SR-2425 be released to the complainant/injured 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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MM-06(C)/THC/Delhi/18.09.2020