

E FIR No.9443/20
PS: Moti Nagar
17.07.2020

State
Vs.
Habibul


Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.
Sh. C.B. Garg, Id. counsel for applicant/accused
through video-conferencing in Cisco-Webex Application vide
Meeting No. 1669874155.

Argument heard on the bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no fruitful purpose
shall be served by keeping the accused in JC particularly in view of
outbreak of COVID-19. Accordingly, the accused **Habibul** be hereby
released on bail on his furnishing the personal bond in the sum of Rs.
15,000/- and one surety of the like amount.

Copy of this order be given Dasti, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

FIR No.723/20
PS: Ranhola
17.07.2020

State
Vs.
Satish


Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.
Sh. Pranay Abhishek, Id. counsel for applicant/accused
through video-conferencing in Cisco-Webex Application vide
Meeting No. 1669874155.

Argument heard on the bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case. It is submitted that the applicant/accused is not previously involved in
any other criminal case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no fruitful purpose
shall be served by keeping the accused in JC particularly in view of
outbreak of COVID-19. Accordingly, the accused **Satish** be hereby
released on bail on his furnishing the personal bond in the sum of Rs.
20,000/- and one surety of the like amount.

Copy of this order be given Dasti, as prayed for.


(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

E. FIR No. 3991/20
PS: ~~West~~ Patel Nagar
17.07.2020

State

Vs.

Surender Pathak

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.

Sh. Pranay Abhishek, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose
will be served by keeping the accused in JC particularly in view of outbreak
of COVID-19. Accordingly, the accused ***Surender Pathak*** be hereby
released on bail on his furnishing the personal bond in the sum of Rs.
10,000/- and one surety of like amount.

Copy of this order be given Dasti, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

FIR No.651/20
PS:Ranhola
17.07.2020

State
Vs.
Mithun

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.
Sh. S. A. Rajput, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case. All three accused persons have already been granted bail.

Bail application is opposed by Ld. APP for the State.

Since the role of the accused/applicant is similar to the co-accused
persons who have already been granted bail. The accused/applicant is not
criminally involved in any other criminal case. Accordingly, the accused
Mithun be hereby released on bail on his furnishing the personal bond in
the sum of Rs. 20,000/- and one surtey of like amount.

Copy of this order be given Dasti, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

State

Vs.

Sachin @ Sudama

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.
Sh. Mahender Pal, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case. It is submitted that the applicant/accused is in JC since January,
2020.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected and charge-sheet
is filed no useful purpose will be served by keeping the accused in JC
particularly in view of outbreak of COVID-19. Accordingly, the accused
Sachin @ Sudama be hereby released on bail, if he is not required to be
kept in JC in any other criminal case, on his furnishing the personal bond in
the sum of Rs. 10,000/- to the satisfaction of Jail Superintendent concerned.
Jail Superintendent shall also ascertain from PS concerned as to whether
the address of the accused is verified or not before releasing the accused.

Full signed duplicate of this order be sent to Jail Superintendent
concerned, which shall also be treated as release warrant upon the
acceptance of personal bond.

Copy of this order be given Dasti, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

State

Vs.

Rahul @ Monu @ Praveen

(At 12 noon)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1669874155.
Sh. Mahadev Harikant, Id. counsel for applicant/accused
through video-conferencing in Cisco-Webex Application vide
Meeting No. 1669874155.

Argument heard on the regular bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the present
case.

Bail application is opposed by Ld. APP for the State.

The previous bail application has already been dismissed by this Court
vide order dated 24.05.2019.

There is an allegation against the accused of having committed house
breaking and theft of Fortune Oil in the shop of complainant. One mobile
phone having photographs of the applicant was also recovered from the spot.
The accused is already previously involved in 55 similar cases, out of which he
was already convicted in 8 cases. CAF particulars of the said mobile phone
are yet to be recovered. The allegations are serious in nature. The
investigation is still going on. No ground is made out for grant of bail at this
stage. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given Dasti, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

FIR No. 323/20
PS: Kirti Nagar
17.07.2020
State Vs. Sardar Tamandeep Singh

This is an application for releasing mobile phones i.e. Samsung Note 10, Samsung S10 Lite, Samsung A-70, Samsung 305, Samsung A-21S, Samsung A-21S, Samsung M-11, Samsung M-11, Samsung M-11, Samsung-11, Samsung A-80, I Phone 11 Pro (Silver), I-Phone Pro (Gold), Oppo A5 2020, I- Phone 7 (32 GB Gold) & REALME BUDS (3 Pieces).

Present:- Ld. APP for the State.
Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article 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**. 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** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phones prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
15.07.2020

This is an application for releasing mobile phones i.e. REDMI-6

Present:- Ld. APP for the State.
Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article 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**. 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** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phones prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
15.07.2020

This is an application for releasing articles i.e mobile phone make Samsung-A-20.

Present:- Ld. APP for the State.
Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article 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**. 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** wherein it has been held that

"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 higher courts, seized articles in question as per seizure memo be **released to owner as per invoice after due identify verification**. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Pankaj Arora)
DMM/West/THC/Delhi
15.07.2020

This is an application for releasing vehicle bearing no. NL01A3077 on Superdari.

Present:- Ld. APP for State.

None for the applicant/registered owner.

IO has filed his reply. 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

“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."

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 number **UP-80-DR-0999** be released to the **registered owner after due identify and verification by IO** on furnishing **security bond / indemnity bond as per valuation report of the vehicle.** IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court.

In compliance of Delhi MACT Rules, 2008 (Rule 6), applicant is directed to furnish DD in the name of the court in the sum of Rs.50,000/- as security as the driver of he vehicle was not carryng valid valid D.L. DD is not yet deposited.

Copy of this order be sent to the concerned PS.

Panchnama shall be filed in the court along with charge sheet.



(Pankaj Arora)
DMM/West/THC/Delhi
17.07.2020

This is an application for releasing vehicle bearing no. HR 13 K 2366 on Superdari.

Present:- Applicant in person.

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. **DL1RM0557** be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. 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 ZO/Enforcement Officer.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court within a month sheet.


(Pankaj Arora)
DMM/West/TMC/Delhi
17.07.2020