

05.12.2020

FIR NO. 476/20  
P.S. Civil Lines  
U/s 279/304 A IPC

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.*  
Joined through Video conferencing on Cisco Webex.

**This is an application for releasing of vehicle bearing No. GJ 01 DV 5333 on superdari filed by applicant.**

**Present : Ld. APP for the State (through V.C.).**

**Sh. Ishan Ahmed, Id. Counsel for applicant (through V.C.).**

Reply filed by IO / PSI Kishan Chand electronically. Copy of the same has been sent to Ld. Counsel for the applicant. IO, in his reply, has stated that the vehicle bearing No. **GJ 01 DV 5333** is the offending vehicle involved in the alleged accident. It is further stated that DL, RC, insurance and permit of said vehicle have been verified online and found to be correct. It is further stated that the ownership of the vehicle has been verified from the concerned authority and as per the verification report, same is registered in the name of Satish Kumar. IO submits that the investigation qua the vehicle is complete and he has no objection, if the same is released on superdari.

The applicant submits that he is the attorney of registered owner of vehicle namely, Satish Kumar. The applicant has filed the copy of truck power of attorney and RC on record to this effect.

In these circumstances and 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, the aforesaid vehicle be released to the applicant/ registered owner subject to the following :-

1. Vehicle in question be released to applicant / registered owner only subject to furnishing of indemnity bonds as per the valuation of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall prepare detailed panchanama mentioning the colour, Engine number, Chassis number, ownership and other necessary details of the

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vehicle.

3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
4. The photographs should be attested and counter signed by the complainant/ applicant and accused.
5. IO is directed to verify the RC, permit and DL of vehicle issued in favour of applicant prior to release of the vehicle.

Scanned copy of this order be sent to Counsel for applicant and to IO/SHO concerned through email.

One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.



**(SHIVLI TALWAR)**

MM-06(C)/THC/Delhi/05.12.2020

05.12.2020

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.*

**Joined through Video conferencing.**

*The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Nitin.*

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

Mr. Pradeep Kumar, Id. Counsel for applicant/accused has joined meeting through Cisco Webex.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that applicant/accused has been arrested on the disclosure statement of co-accused. It is further submitted that the past antecedents of the applicant/accused are clean and he has not been involved in any other case. It is further submitted that the applicant/accused is in J/C since 31.10.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the reply reveals that applicant/accused robbed one Vivo blue colour mobile and Rs. 7000/- from

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*(Signature)*

the complainant while co-accused Ajay choked the neck of the complainant with his hand. It is further submitted that applicant/accused was arrested from his house at the instance of co-accused Vipin and a part of robbed money i.e. Rs. 1400/- was recovered from his possession. It is further submitted that applicant/accused has refused to participate in TIP proceedings which were scheduled to be conducted on 01.12.2020. It is further stated that there is no previous involvement of applicant/accused however, IO has opposed the bail application on the ground that further custody of applicant/accused is required to trace the receiver of the case property namely, Jaan Mohammad @ Jaanu. It is further stated that applicant/accused may abscond and intimidate the complainant and witnesses, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is further submitted that robbed mobile phone alongwith a part of robbed money i.e. Rs. 1400/- out of robbed amount of Rs. 7000/- have been recovered from the possession of applicant/accused. It is further submitted that knife was used in the commission of present offence, thereby attracting section 397 IPC. It is further submitted that further custody of applicant/accused is required to trace out co-accused namely, Jaan Mohammad @ Jaanu who is receiver of the case property. It is submitted that since allegations against the applicant/accused are serious in nature, he should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Allegations against the applicant/accused are grave and serious in nature. Recovery of robbed mobile phone as well as a part of robbed amount has

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*(Signature)*

been made from the applicant/accused. Thus, prima facie there is material against the applicant/accused regarding his involvement in the present case. Thus, considering the gravity of alleged offence and seriousness of the allegations, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

One copy of the 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/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.12.2020

05.12.2020

***Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.***

**Joined through Video conferencing on Cisco Webex.**

**An application for releasing the mobile make Samsung M-10-S on superdari has been filed electronically on behalf of the applicant Mohammed Zain.**

Present : Ld. APP for State (through V.C.).

Mr. Aman Preet Singh, Ld. Counsel for applicant (through V.C.).

Reply filed by the IO. Same is taken on record, wherein it is submitted by the IO that he has no objection in releasing the mobile to the rightful owner. The mobile of make **Samsung M-10-S** is no more required for the purpose of investigation. Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

The applicant has filed on record photocopy of the bill of aforesaid mobile phone alongwith photocopy of his Aadhar Card.

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Samsung M-10-S** be released to the rightful owner on furnishing security bond/indemnity bond as per valuation report of

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the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar and Ld. Counsel for the applicant.



(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/05.12.2020

05.12.2020

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**Joined through Video conferencing on Cisco Webex.**

**An application for releasing the E-Rickshaw battery on superdari has been filed electronically on behalf of the applicant namely Rahul.**

Present : Ld. APP for State (through V.C.).

Ld. Counsel for the applicant (through V.C.)

Reply filed by the IO. Same is taken on record. As per which, the E-Rickshaw battery is not more required for the purpose of investigation.

Instead of releasing the E-Rickshaw battery on superdari, I am of the considered view that the E-Rickshaw battery 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 High Court of Delhi in case titled as "**Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014.**"

Considering the facts & circumstances and law laid down by higher courts, E-Rickshaw battery be released to the applicant/ rightful owner on furnishing security bond/ indemnity bond as per its valuation report. IO is directed to get the valuation done of the E-Rickshaw battery prior releasing the same to the applicant/ rightful owner as per directions of

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Hon'ble Supreme Court. Coloured photographs and punchnama of E-Rickshaw in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc. shall be filed in the Court alongwith final report.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines and Ld. Counsel for the applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/05.12.2020

05.12.2020

e.FIR No.024258/2020  
P.S. Civil Lines  
U/s 379 IPC

*Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/  
Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up  
through Video Conferencing today.*

*None has joined through Video Conferencing on Cisco Webex.*

**An application for releasing the vehicle bearing registration No.DL-6S-AJ-9739 on superdari has been filed electronically on behalf of the applicant/ owner Smt. Usha Devi.**

Present : Ld. APP for State (through V.C.).

None on behalf of the applicant has joined the V.C.

Reply to the present application has also been filed by the IO electronically.

Since, none has appeared on behalf of the applicant, be put up for further proceedings on **14.12.2020.**

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/05.12.2020

State V/s Suraj  
FIR No. 74/2019  
P.S. Civil Lines

05.12.2020

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Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up  
through Video Conferencing today.*

Joined through Video conferencing on Cisco Webex.

Present : Ld. APP for State (through V.C.).

Mr. C.P. Dubey, Ld. Counsel for the applicant/ surety (through  
V.C.).

An application for withdrawal of surety has been filed on behalf  
of the applicant/ surety by Ld. Counsel.

Ld. Counsel for the applicant/surety requests for an  
adjournment.

Heard. Request is allowed.

At request, put up on **12.01.2021.**

One copy of the order be uploaded on Delhi District Court  
Website. The printout of the application & order be kept for records and be  
tagged with the charge-sheet.

(SHIVLI TALWAR)  
MM-06(C)/THC/Delhi/05.12.2020