

State V/s Rohan
FIR NO. 320/20
P.S. Civil Lines
U/s. 392/394/34 IPC

03.12.2020

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.

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

Mr. Nitin Gupta, Ld. Counsel for accused (through V.C.).

At request of Ld. Counsel for accused, be put up for purpose already

fixed on **04.12.2020.**

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Digitally signed by
SHIVLI TALWAR
Date: 2020.12.03
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(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/03.12.2020

e-FIR NO. 640/20
P.S. Sadar Bazar
U/s 379/411 IPC

03.12.2020

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.

This is an application for releasing of mobile phone on superdari filed by applicant Sh. Rahul Sharma.

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

Applicant Sh. Rahul Sharma has joined through V.C.

Reply filed by the IO electronically. Copy of the same has been sent to applicant.

At this stage, it is submitted by applicant that he wishes to withdraw the present application.

Heard. Request stands allowed. In view of submission made by applicant, the present application stands dismissed as withdrawn.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

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TALWAR SHIVLI TALWAR
Date: 2020.12.03
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MM-06(C)/THC/Delhi/03.12.2020

e-FIR NO. 490/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

03.12.2020

*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.*

This is an application for releasing of money of Rs. 30,000/- on superdari filed by applicant Sh. Sudhir Bhatiya.

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

Applicant Sh. Sudhir Bhatiya has joined through V.C.

Reply filed by the IO electronically. Copy of the same has been sent to applicant.

At this stage, it is submitted by applicant that he wishes to withdraw the present application.

Heard. Request stands allowed. In view of submission made by applicant, the present application stands dismissed as withdrawn.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

**SHIVLI
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(SHIVLI TALWAR)

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SHIVLI TALWAR
Date: 2020.12.03
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MM-06(C)/THC/Delhi/03.12.2020

03.12.2020

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.

This is an application for releasing of vehicle bearing No. HR-55-U-1008 on superdari filed by applicant/ registered owner Dhiraj Saluja.

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

Sh. Amit Anand, Id. Counsel for applicant (through V.C.).

Reply filed by IO / ASI Sayyed Akhtar 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. HR-55U-1008 is the offending vehicle involved in the alleged accident. It is further stated that the mechanical inspection of the vehicle has been conducted and photographs of the vehicle have been clicked. 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 Dhiraj Kumar Saluja, the applicant herein. IO submits that the investigation qua the vehicle is complete and he has no objection, if the same is released on superdari.

The applicant has sent the scanned copy of RC, insurance policy, PUC and permit of vehicle in question. For the purpose of identity, scanned copy of Adhar card of applicant is also sent alongwith the application.

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 vehicle.

3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chases 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 PUC 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.

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by SHIVLI
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Date: 2020.12.03
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(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/03.12.2020

State V/s Mohd. Mazid
FIR No. 208/20
P.S. Sadar Bazar
U/s 379/356//411/34 IPC

03.12.2020

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 Mohd. Mazid s/o Mohd. Suleman.

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

Mr. Abhishek Kumar Singh, Ld. LAC for applicant/accused (through V.C.).

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 applicant/accused is a young boy between 18 to 21 years of age. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has infact been made from the co-accused. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 05.10.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is the sole bread earner of his family. 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 same reveals that the applicant/accused has snatched the mobile phone of the complainant and he was caught by the complainant on the spot. It is stated that applicant/accused had transferred the mobile phone to other co-accused who had fled away from the spot. It is further stated that co-accused namely, Chintu @Yogender & Pardeep @ Dipu were arrested and the snatched mobile phone was recovered from the possession of co-accused Pardeep @ Dipu. It is also stated that both co-accused persons have been granted bail. However, it is also stated that case is pending investigation and applicant/accused played an active role in the commission of the offence and he may indulge in

Contd:-

heinous crime, if released on bail.

Ld. APP for the State has opposed the bail application on the ground that the applicant/accused has played an active role in the commission of the crime and he was caught red handed at the spot by the complainant himself. It is further submitted that investigation of the case is still pending. Thus, it is prayed that the applicant/accused shall 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.

Heard. Perused. Considering the submissions made and the circumstances that the applicant/accused is a young boy, his past antecedents are clean, recovery has been effected from co-accused, both co-accused have already been granted bail and applicant/accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the applicant/accused behind bars. Hence, applicant/accused Mohd. Mazid is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

- 1. That the accused person(s) shall join investigation as and when called.**
- 2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.**
- 3. That the accused person(s) shall not commit similar offence and;**
- 4. That the accused person(s) shall not directly/indirectly induce, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.**

Accordingly, the present application is disposed off.

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

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(SHIVLI TALWAR)
Digitally signed by
SHIVLI TALWAR
Date: 2020.12.03
MM-06(C)/THC/Delhi/03.12.2020

03.12.2020

Vide Office Order No. 1277/22595-765 D1(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL-6SW-1078 on superdari filed by applicant/ registered owner Mohd. Mateen Qureshi.

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

Sh. Manish, Id. Counsel for applicant (through V.C.).

Reply filed by the IO electronically. Copy of the same has been sent to Ld. Counsel for the applicant. As per reply, the vehicle is no more required for the purpose of investigation.

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.**

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 Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **DL-6SW-1078** be released to the applicant/registered owner 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/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle 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 order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

Digitally
Signed by
SHIVLI
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Date
12/10/20

(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/03.12.2020