

FIR No. 031151/20
PS Sadar Bazar
U/s 379/411 IPC

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

The undersigned is working as Duty MM for the day.

None has joined through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. UP-81-BR-2320 on superdari filed by applicant/ registered owner Sh. Kush Sablok.

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

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

Reply on behalf of IO filed electronically. Same is taken on record.

Since none has joined on behalf of applicant, put up for consideration on the above said application on **13.01.2021.**

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/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

e-FIR No. 490/20
PS Sadar Bazar

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

The undersigned is working as Duty MM for the day.

This is an application for releasing an amount of Rs. 30,000/- on superdari filed by applicant Sh. Sudheer Bhartiya electronically.

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

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

Reply on behalf of IO filed electronically. Same is taken on record.

Since none has joined on behalf of applicant, put up for

consideration on the above said application on **13.01.2021**.

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/Sadar Bazar and

Ld. Counsel for the applicant/applicant.

(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/08.01.2021

State Vs. Sonu @ Amit
FIR No. 156/20
PS Sadar Bazar
U/s 308 IPC

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

The undersigned is working as Duty MM for the day.

Joined through Video Conferencing on Cisco Webex.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Mr. Nikhil Yadav, Ld. LAC for accused (through V.C.).

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond.


Perusal of record reveals that the case file has already been committed to Ld. Sessions Court.

In view of the same, Ld. LAC for applicant/accused seeks permission to withdraw the present application.

Heard. Request stands allowed.

In view of same, the present application stands dismissed as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of this order be given dasti to Ld. LAC for applicant/accused. 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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today

The undersigned is working as Duty MM for the day.

Joined through Video Conferencing on Cisco Webex.

The present application for grant of bail U/s 437 Cr.P.C. was moved on behalf of applicant/accused Nakul s/o Sh. Rajesh.

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

Mr. Nagendra Singh, Id. Counsel for applicant/accused (through V.C).

HC Vikendra Kumar has also joined through V.C.

Arguments on the above said application have already been heard on 07.01.2021.

In compliance of previous order, IO has filed a detailed reply stating the status of remaining 6 stolen mobile phones. Same is taken on record. Copy of same has been sent electronically to Ld. Counsel for applicant/accused.

IO submits that concerned IO in case of e-FIR No. 11/21 u/s 379 IPC PS Laxmi Nagar has taken the stolen case property today morning itself. IO submits that kalandra was given to IO in e-FIR No. 220/20 U/s 379 IPC PS Gulabi Bagh. Perusal of report reveals that the remaining mobile phones have not yet been tracked.

This Court is of the considered opinion that since applicant/accused has been taken into custody in e-FIR No. 220/20 U/s 379 IPC PS Gulabi Bagh & case property has been taken by IO in e-FIR No. 11/21 u/s 379 IPC PS Laxmi Nagar, the custody of applicant/accused is no more required in the present kalandra. Accordingly, the kalandra stands disposed off.

Jail superintendent is directed to release the applicant/accused in the present kalandra, if not required in any other case.

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. Counsel for the applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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This is an application for releasing of vehicle bearing No. DL-1CZ-9028 on superdari filed by applicant/ registered owner Mr, Rajesh Aggarwal.

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

Sh. Abhishek, Ld. Counsel for applicant joined through V.C.

IO ASI Governor has also joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has no objection in releasing the same to its real owner as it is stated that the vehicle in question is no more required for the purpose of investigation.

IO submits that he has verified the ownership of the vehicle in question and it has been found out that it belongs to the applicant.

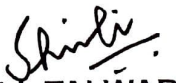
For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

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 CrI. 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-1CZ-9028 be released to the applicant/rightful owner/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/rightful owner/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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/08.01.2021

08.01.2021

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Joined through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. DL-8S-CS-8334 on superdari filed by applicant/ registered owner Mr, Mohammad Zaki.

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

Sh. Ajay Kumar Chadha, Ld. Counsel for applicant has joined through V.C.

IO ASI Mukesh has also joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has no objection in releasing the same to its real owner as it is stated that the vehicle in question is no more required for the purpose of investigation.

IO submits that he has verified the ownership of the vehicle in question and it has been found out that it belongs to the applicant.

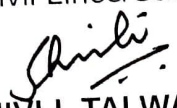
For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

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-8S-CS-8334 be released to the applicant/rightful owner/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/rightful owner/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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

08.01.2021

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The undersigned is working as Duty MM for the day.

Joined through Video Conferencing on Cisco Webex.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Mr. Nikhil Yadav, Ld. LAC for accused (through V.C.).

An application was moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond stating that applicant/accused was admitted on bail by this Court vide order dated 21.12.2020 and applicant/accused was directed to furnish his personal bond in the sum of Rs. 15,000/- with one surety of like amount. However, applicant/accused belongs to a poor family and is unable to furnish surety on his behalf due to which he is languishing in the jail. Ld. LAC for applicant/accused submits that applicant/accused is in J/C since 14.11.2020. Ld. LAC for applicant/accused further submits that applicant/accused is a permanent resident of village Khada Madana, Mohalla Galana, Thana Pur Mandal, Tahil Sambha, District Jammu. Ld. LAC has also furnished the contact details of brother of applicant/accused. Therefore, it is prayed that considering the condition of applicant/accused, he may be released on his personal bond.


Reply has been filed by IO electronically. Same has been supplied to Ld. LAC for applicant/accused. IO in his reply has stated that applicant/accused is a vagabond and he does not have a permanent residence and hence, he may abscond.

Ld. APP for State has vehemently opposed the release of applicant/accused on personal bond on the ground that applicant/accused is a vagabond and the offence alleged against him is serious in nature.

Heard. Record perused. IO is directed to verify the permanent address of applicant/accused as furnished by Ld. LAC for applicant/accused and file the report on

15.01.2021.

One copy of the order be uploaded on Delhi District Court Website. Copy of this order be given dasti to Ld. LAC for applicant/accused. 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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

08.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

The undersigned is working as Duty MM for the day.

Joined through Video Conferencing on Cisco Webex.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Mr. Shakeel Ahmed, Ld. Counsel for applicant has joined through V.C.

An application for sending the intimation to Jail Superintendent Boosihat Central Jail 24, North Pargana, West Bengal was moved on behalf of applicant/accused electronically.

It is submitted by Ld. Counsel for applicant that the present case is pending trial before this court and the next date of hearing is 19.03.2021. The accused is on Court bail in this case and production warrants were issued against him vide order dated 11.10.2019 passed by Ld. Predecessor of this Court. Ld. Counsel for applicant submits that accused has already been released in case FIR No. 806/2019 PS Saroop Nagar, West Bengal and is not being released by Jail Superintendent Boosihat Central Jail 24, North Pargana, West Bengal since production warrants against him have been sent to the said jail.

Heard. Case file perused. Perusal of the same reveals that accused is on Court bail in the present FIR.

Ahlmad/ Asstt. Ahlmad is directed to send the said intimation electronically as well as physically to Jail Superintendent Boosihat Central Jail 24, North Pargana, West Bengal. IO concerned is also directed to intimate Jail superintendent regarding the said fact.

Copy of this order be given dasti to Ld. Counsel for applicant/accused.

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.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/08.01.2021

The undersigned is working as Duty MM for the day.

Joined through Video Conferencing on Cisco Webex.

The present application for grant of bail U/s 437 Cr.P.C. was moved on behalf of applicant/accused Shoaib s/o Sh. Riyasat Ali.

Present : Sh. Vikram Dubey, Ld. APP for the State (through V.C.).

Mr. Iqbal Khan, 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 father of applicant/accused is seriously ill and has been diagnosed with Gangerin ailment on left side of foot and he needs regular visits for dressing in the hospital and there is no one in the family of applicant/accused to look after his father. It is further submitted that applicant/accused was granted interim bail by this Court vide order dated 17.12.2020 for a period of 15 days and he duly surrendered in jail on 04.01.2021. It is further submitted that the past antecedents of the applicant/accused are clean and he has only one previous involvement, that too in the year 2016. It is further submitted that even otherwise, the alleged recovery has already been effected and investigation qua applicant/accused is already complete and he is no more required for any custodial interrogation. Charge-sheet has already been filed in the present matter. 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.



Ld. APP for the State has opposed the bail application on the ground that the allegations against the applicant/accused are grave and serious in nature. It is submitted that the applicant/accused robbed the mobile phone of the complainant in broad day light in the middle of the road and in the presence of public persons. The applicant/accused was caught red handed by the police and the robbed mobile phone was recovered from his possession. Thus, 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.

Applicant/accused was granted interim bail by this Court vide order dated 17.12.2020 for a period of 15 days and he duly surrendered in jail on 04.01.2020. Applicant/accused has not misused the liberty of interim bail granted to him. Conclusion of trial is likely to take time. Charge-sheet has already been filed in the present matter and hence, investigation being complete, further custody of applicant/accused is no more required. Furthermore, the father of applicant/accused is suffering from a serious ailment and there is no one in the family of applicant/accused to look after his father, thus, considering the submissions made and totality of circumstances, accused 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. Counsel for the applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/08.01.2021