

State vs. Mohd. Asif
FIR NO. 115/20
PS Jafrabad
U/s 147/148/149/458 IPC

02.05.2020

Fresh chargesheet received. It be checked.

Present:

Ld. APP for State.

IO SI Rakesh Kumar in person.

IO stated that accused is in JC. (bail granted but bail bond not furnished).

To come up for consideration on 04.06.2020.

ANUBHAV
JAIN

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District, Karkardooma
Courts, Delhi
Date: 2020.05.02
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(Anubhav Jain)
Duty Metropolitan Magistrate (SHD)
Karkardooma Court/Delhi/02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Nazim
FIR No. 328/19
u/s 392/34 IPC
PS: Jyoti Nagar

02.05.2020

Present order shall dispose off the bail application of accused **Nazim
s/o Babu Khan**

Present: Counsel for Applicant (argument heard by Whatsapp as, could
not be connected through Webex)

None for the state

It is stated that accused was arrested in FIR No. 514/19 PS Khajuri Khas for the offence punishable u/s 25 Arms Act and was arrested in the present case on the basis of disclosure statement. It is further stated that accused has been falsely implicated in the present case. It is further stated that accused has already been granted interim bail by Sh. Gaurav Sharma on the basis of judgment passes by Hon'ble High Court in Shobha Gupta v. Union of India.

In reply thereof, it is stated by the IO that accused refused to join TIP in the present case and that recovery of the robbed item was recovered from accused. It is further stated that accused is an habitual offender and he has involvement in 9 other cases of theft, snatching, robbery and murder. It is further stated that bail application of the accused is already dismissed by Ld. Sessions Court. It is further stated that investigation of the case is still pending and that there is possibility that accused might fled away from hands of justice if enlarged on bail.

Heard the arguments through whatsapp and perused the record received through E-mail.

As per the FIR accused person along with one another person snatched chain of the complainant, when complainant tried to help the accused. Accused herein has already refused to join TIP proceedings. Recovery of snatched item is affected from accused herein. Accused appears to habitual offender and has involvement in other serious offences. Accused was already on bail in the above said FIR. Bail application of accused is already dismissed by Ld. Sessions court. Considering the fact that accused is a habitual offender, there is possibility that accused might temper with evidence or again commit similar offence if enlarged on bail. In view of the same, I find no grounds to grant bail to accused Nazim S/o babu Khan at this stage. In view of the same, bail application stands dismissed. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

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Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi/02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Samay Singh @ Sonu
FIR No. 384/20
u/s 33 Delhi Excise Act r/w 188 IPC
PS: Harsh Vihar

02.05.2020

Present order shall dispose off the bail application of accused **Samay Singh @ Sonu s/o Raji**

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused is in custody since 29.04.2020 and that accused is falsely implicated in the present case. It is further stated that no recovery was effected from person of accused person and that illicit liquor was recovered from a gunny bag lying in the adjoining area. It is further stated that accused went outside to buy groceries and upon seeing police he started running from the fear of being beaten up. It is further stated that accused has to take care of his wife who is confined to bed. It is further stated that accused be presumed innoced till proven guilty. It is further stated that as per settled provision of law, Bail is a rule, Jail is an exception. Reliance is further placed upon Judgment Sanjay Chandra v. CBI 2012(1) SCC 40 and State of Rajasthan v. Balchand (1977) 4 SCC 308. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail. It is further stated that accused is not previously convict or habitual offender.

In reply thereof it is stated by the IO that accused was apprehended with 94 quarter bottles of illicit liquor and that he is in JC since 30.04.2020.

Heard the arguments through VC and perused the record received through E-mail.

As per the FIR, accused was apprehended on the information of secret informer from house no. A-70. In the present case recovery is already affected from the accused person. Further nothing has been mentioned in the reply so filed by the IO as to whether accused has any previous involvement or not. Considering that recovery is already effected from accused, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same accused person be released on bail subject to furnishing of bail bond and one surety for sum of Rs. 20,000/-. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
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Anubhav Jain
Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Rajesh
FIR No. 1712/14
u/s 394/411/34 IPC
PS: Seemapuri

02.05.2020

Present order shall dispose off the bail application of accused **Rajesh
s/o Gaurav Bahadur**

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused is in JC since 17.03.2020. It is further stated that NBW were issued against accused and that he was lodged into custody. It is further stated that accused has been falsely implicated in the present case. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was declared PO by court vide order dated 20.02.2020 and was thereafter arrested on 17.03.2020. It is further stated that accused, if released on bail might again jump the bail.

Heard the arguments through VC and perused the record received through E-mail.

Accused was already on bail in the above said FIR. Accused is in custody since 17.03.2020. Further accused is no more required for custodial interrogation. As such, no fruitful purpose will be achieved by keeping the accused in custody. In view of same accused be released on bail subject to furnishing of bail bond and one surety for sum of Rs. 30,000/- with condition that accused shall appear before the court on each and every date. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

**ANUBHAV
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Duty Metropolitan Magistrate
Shahdara District, KKD Courts, Delhi
02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Shaan Mohammad
FIR No. 10149/20
u/s 379/411/34 IPC
PS: Nand Nagri

02.05.2020

Present order shall dispose off the bail application of accused **Shaan**

Mohammad s/o Mohd. Yameen

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused is falsely implicated in the present case. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was apprehended with stolen motorcycle and that he is running in JC since 25.04.2020. It is further stated that accused has no involvement in any other case.

Heard the arguments through VC and perused the record received through E-mail.

In the present case recovery is already affected from the accused person. Further accused has no involvement in any other case except for the present one. As such, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same accused person be released on bail subject to furnishing of bail bond and one surety for sum of Rs. 10,000/-. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned

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02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. Shahbaz
FIR No. 10149/20
u/s 379/411/34 IPC
PS: Nand Nagri

02.05.2020

Present order shall dispose off the bail application of accused **Shahbaz s/o Shahroz Khan**

Present: Counsel for Applicant (through Webex)

None for the state

It is stated that accused is falsely implicated in the present case. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was apprehended with stolen motorcycle and that he is running in JC since 25.04.2020. It is further stated that accused has no involvement in any other case.

Heard the arguments through VC and perused the record received through E-mail.

In the present case recovery is already affected from the accused person. Further accused has no involvement in any other case except for the present one. As such, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same accused person be released on bail subject to furnishing of bail bond and one surety for sum of Rs. 10,000/-. Application disposed off accordingly.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

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02.05.2020

**IN THE COURT OF ANUBHAV JAIN, MM-05/ DUTY MM, SHAHDARA
DISTRICT, KARKARDOOMA COURT, NEW DELHI**

State v. EDMC
u/s 279/304A IPC
FIR No. 0107/2020
PS: Jagatpuri

02.05.2020

**This is an application to release vehicle no. DL 1GC 7950 on
superdari moved on behalf of Applicant/AR Saloman Masih**

Present : Counsel For Applicant (through Webex)

None for state

It is stated by the applicant that he is registered/rightful owner/AR of the abovesaid property.

Learned APP for State has submitted that he has no objection if the vehicle is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. It is further stated that documents of the vehicle could not be verified due to Lock Down. It is further stated that vehicle/ water Tanker was being used for sanitization work in the area of EDMC.

**Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and
CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State'** has laid down detailed guidelines for disposal of the case properties. In respect of release of vehicle, Hon'ble Court has laid down following guidelines:

"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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".

Considering the fact that water tanker was being used for the sanitization work in EDMC area, **vehicle bearing No. DL 1GC 7950 is directed to be released to registered/rightful owner after verification by IO, if not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

IO, shall further got the documents verified as and when possible. Applicant is directed to not to dispose off the vehicle till the documents of the vehicle are verified and report of same is submitted in the court.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. Application is accordingly disposed of.

Copy of order be send to computer branch for uploading the same on website. Copy of order be also send to A.O. (Judicial), who shall send the same to parties in terms of office order no. 2204-2221/D&SJ SHD/KKD/Delhi dated 20.04.2020 of the Ld. D&SJ, SHD, Karkardooma Courts, Delhi. Copy of order be also send to Jail Supt. Concerned.

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02.05.2020