

05.01.2021

This is an application to release mobile phone VIVO S1 Pro Colour, IMEI no. 861994048115473, 861994048115465 on superdari moved on behalf of applicant Seeta Singh w/o Sh. Ranjit Singh.

Present : Ld. APP for the State.
Counsel of applicant.

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

Learned APP for State has submitted that he has no objection if the mobile 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. '

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 mobile, 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 he 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".

In the facts and circumstances of the case, **mobile phone VIVO S1 Pro Colour, IMEI no. 861994048115473, 861994048115465 is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is 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.
- (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 mobile 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.

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. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

BHARAT
AGGARWAL

Digitally
signed by
BHARAT
AGGARWAL
Date:
2021.01.05
15:57:59 -0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
05.01.2021

05.01.2021

This is an application to release vehicle no. HR-51BT-8799 (Honda Dream Neo Bike) on superdari moved on behalf of applicant Naved Saifi s/o Mohd. Aslam.

Present : Ld. APP for the State.

Counsel of applicant.

It is stated by the applicant that he is registered/rightful owner 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. '

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 he 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".

In the facts and circumstances of the case, **vehicle bearing No. HR-51BT-8799 (Honda Dream Neo Bike) is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is 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.

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. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

BHARAT
AGGARWAL

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BHARAT
AGGARWAL
Date:
2021.01.05
15:57:30 -0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
05.01.2021

05.01.2021

Present order shall dispose off the bail application of accused Arif Shafi s/o Sh. Shokat Ali.

Present: Ld. APP for the state.
Counsel for applicant.

It is stated that accused is in JC since 06.12.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that accused was arrested by PS Bhajanpura and accused disclosed the involvement in the present case. It is further stated that stolen mobile phone was also recovered from the possession of accused. It is further stated that complainant has correctly identified the accused during TIP proceedings. It is further stated that investigation is pending in the present case. It is further stated that if accused released on bail, he may threaten the complainant. It is further stated that accused has involvement in 19 other cases in similar nature and is a habitual offender.

Heard the arguments and perused the record.

In the present case, allegations against the accused are serious in nature. Further, complainant has correctly identified the accused during TIP proceedings. Further, accused is a habitual offender and has involvement in 19 other cases of similar nature. Furthermore, investigation is pending in the present case. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused Arif Shafi s/o Sh. Shokat Ali stands dismissed. Application disposed off accordingly.

Before parting with the present application, it is necessary to note that initially the reply was filed by the IO HC Brijesh Kumar which was completely vague/ insufficient and lacking in material details. The IO did not even file the previous involvement report alongwith the reply to the bail application and he was therefore directed to file another proper reply.

Therefore, it is considered necessary that several directions be issued to SHO concerned to ensure that reply to the bail applications are filed with sufficient details to ensure proper disposal of bail applications in this court.

Accordingly, the SHO concerned are directed to ensure that the following details are specifically and explicitly listed out while filing the reply to the bail applications:-

1. Date of arrest of the applicant / accused in the given FIR.
2. Whether the applicant / accused was arrested on the spot or not?
3. Whether the property was recovered from the person of the applicant/ accused?
4. What is the status of the co-accused such as whether arrested or not, whether on bail or not?
5. If charge sheet has not yet been filed, at what stage the investigation is going on?
6. Whether the applicant/accused has been previously involved in any kind of offences? If yes, the entire list of previous involvements of applicant.
7. Details of the previous bail applications filed and dismissed, if any.
8. Grounds for dismissing that bail application.

Let the copy of this order be sent to concerned SHO Jafrabad, SHO Madhu Vihar and SHO Jagatpuri to ensure strict compliance of the aforesaid directions. It is also directed that the reply be only forwarded through SHO concerned who has to ensure that the aforesaid directions are complied with.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly

**BHARAT
AGGARWAL**

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BHARAT AGGARWAL
Date: 2021.01.05
16:04:09 -0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
05.01.2021

State vs. Shimul Mandal
FIR No. 235/20
PS. Jagatpuri
U/s. 379/411 IPC

05.01.2021

Present: Ld. APP for the State.
Counsel for applicant.

This is an application for release of accused Shimul Mandal in FIR no. 235/20, PS Jagatpuri on furnishing of personal bond.

It is stated that accused is in JC since 24.07.2020 and he was granted bail vide order dt. 22.12.2020 on furnishing of surety bond of Rs. 10,000/-. It is further stated that he is poor person and does not have any surety.

It has been stated by the IO that the accused stays at a rented accommodation and he does not have any permanent address in Delhi. It is further stated by the IO that if the accused released on personal then he could not be found as he is of criminal nature. Alongwith the response previous involvement report of accused Shimul Mandal s/o Amarnath Mandal is attached which shows that the accused has several previous involvement in similar nature of cases.

In view of the aforesaid facts and circumstances, this court is of the considered view that accused Shimul Mandal does not deserve to be released on furnishing of personal bond considering the fact that he has no permanent address and he has several previous involvements i.e. 13 other cases in offences of similar nature. Accordingly, the application is hereby dismissed.

Copy of this order be sent to concerned Jail Supt. with direction to intimate the applicant.

Copy of this order be given dasti.

BHARAT
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signed by
BHARAT
AGGARWAL
Date:
2021.01.05
15:57:45 -
0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
05.01.2021