

State vs. Vikram @ Vishal @ Babu
FIR no. 190/2021
PS New Ashok Nagar
U/s 379/411/34 IPC

05.05.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021, issued by Hon'ble High Court of Delhi.

This is a bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Sh. Sunil Tomar, Ld. counsel for the applicant/
accused.
IO through VC.
Accused is stated to be in JC.

It is submitted by ld. defence counsel for the applicant/ accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 12.03.2021. It is submitted by ld. Counsel for the applicant/accused that nothing has been recovered from the applicant/accused, alleged recovery has been planted upon him and investigation qua the accused has also been completed, hence no fruitful purpose would be served by keeping the accused/applicant in custody. Hence, it is prayed, that accused/ applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply.

The accused is shown to be in custody since 12.03.2021. Alleged recovery has already been effected. Investigation qua him has already been completed. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the aforesaid circumstances and nature of offence in question, accused/ applicant is hereby granted bail on furnishing personal bond in the sum of Rs. 15,000/- to the satisfaction of Jail Superintendent concerned. Jail Superintendent concerned shall ascertain from Police Station concerned as to whether the address of the accused is verified or not. Accused be released from JC if not required in any other case. With these observations, application stands disposed of.

Digitally signed copy of the order be sent to the to Jail Superintendent concerned, which shall also be treated as release warrants upon the acceptance of personal bond by the Jail Superintendent concerned, for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the ld. defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/05.05.2021

State vs. Unknown
E. FIR no. 011149/2021
PS New Ashok Nagar

05.05.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021, issued by Hon'ble High Court of Delhi.

An application for release of vehicle having registration no. DL-5S-CP-7398 (Motor-cycle) on superdari

Present.: Ld. APP for the State.

Sh. Sumit Verma, ld. counsel for the applicant

/owner.

Submission heard. Reply of IO perused.

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** wherein it has been held that :

“Vehicle 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.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused

as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/re/eased its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court 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 in question be released to the **registered owner as per RC after due identity verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant.

(PANKAJ ARORA)
ACMM (EAST)/KKD/05.05.2021