

FIR No. 886/20
PS Khajuri Khas
U/s 25 Arms Act
State Vs. Anish @ Kala

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Anish @ Kala
Present: Ld. APP for the State.

Ld. Counsel for accused/applicant

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that this is second bail application of accused and the first bail application has been dismissed on 01.01.2021. It is further stated that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail.

After considering the entire facts and circumstances of the case, including the nature of allegations involved in this case, the antecedents of the accused and the fact that there is no change of circumstances after dismissal of first bail application, court is of the view that application does not deserve to be allowed. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to concerned Jail Superintendent for being delivered it to accused.

Copy dasti.

**NITISH
KUMAR
SHARMA**

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NITISH KUMAR
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Date: 2021.01.07
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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of mobile phone make Oppo F15

Silver colour on superdari

Present: Ld. APP for the State.

Ld. Counsel for applicant.

The present application for release of Mobile phone make Oppo F15 on superdari has been filed by the applicant. It is stated by the applicant that he is the owner of the above said mobile phone with request to release the same to him on superdari.

Reply has been filed wherein it is stated that there is no objection for the release of said mobile phone on superdari.

Heard.

In these circumstances the aforesaid mobile be released to the applicant subject to the following conditions:

1. Mobile phone be released to its owner only subject to furnishing of superdarnama to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, make, owner and other necessary details of the mobile phone.
3. IO shall take the colour photographs of the mobile phone from different angles.
4. The photographs should be attested and counter signed by the complainant, accused and the applicant;
5. IO shall get the mobile phone value from a proper valuer and shall take a valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

(Nitish Kumar Sharma)

MM-03/N-E/KKD Courts/Delhi

07.01.2021

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Date: 2021.01.07
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07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of mobile phone on superdari

Present: Ld. APP for the State.

The present application for release of Mobile phone on superdari has been filed by the applicant. It is stated by the applicant that he is the owner of the above said mobile phone with request to release the same to him on superdari.

Reply has been filed wherein it is stated that there is no objection for the release of said mobile phone on superdari.

Heard.

In these circumstances the aforesaid mobile be released to the applicant subject to the following conditions:

1. Mobile phone be released to its owner only subject to furnishing of superdarinama to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, make, owner and other necessary details of the mobile phone.
3. IO shall take the colour photographs of the mobile phone from different angles.
4. The photographs should be attested and counter signed by the complainant, accused and the applicant;
5. IO shall get the mobile phone value from a proper valuer and shall take a valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

**NITISH
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Date: 2021.01.07
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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of mobile phone on superdari

Present: Ld. APP for the State.

The present application for release of Mobile phone on superdari has been filed by the applicant. It is stated by the applicant that he is the owner of the above said mobile phone with request to release the same to him on superdari.

Reply has been filed wherein it is stated that there is no objection for the release of said mobile phone on superdari.

Heard.

In these circumstances the aforesaid mobile be released to the applicant subject to the following conditions:

1. Mobile phone be released to its owner only subject to furnishing of superdarinama to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, make, owner and other necessary details of the mobile phone.
3. IO shall take the colour photographs of the mobile phone from different angles.
4. The photographs should be attested and counter signed by the complainant, accused and the applicant;
5. IO shall get the mobile phone value from a proper valuer and shall take a valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of vehicle DL5SCG7484**

Present: Ld. APP for the State.

Counsel for applicant

Reply filed by the IO . Same is taken on record.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State Crl. M.C. 4485/2013 decided on 10.09.2014** wherein it has been held that:

“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 countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.

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

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/released 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.

Contd.....

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

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. **DL5SCG7484** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

**NITISH
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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of vehicle DL5SAW1337**

Present: Ld. APP for the State.

Ld. Counsel for applicant.

Reply filed by the IO . Same is taken on record.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State CrI. M.C. 4485/2013 decided on 10.09.2014** wherein it has been held that:

“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 countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.

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

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/released 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.

Contd.....

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

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. **DL5SAW1337** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

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(Nitish Kumar Sharma)

MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 752/20
PS Khajuri Khas
State Vs. Rahul Kumar

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of articles of Jamatalashi**

Present: Ld. APP for the State.

It is stated by the applicant that certain articles as Jama Talashi articles as mentioned in the present application were recovered from his possession at the time of his arrest during search with request to release the same to him.

Reply to the said application filed wherein it is stated that there is no objection for the release of jama talashi articles to the applicant.

Heard. Perused.

Considering the facts and circumstances and submissions made, the Jama Talashi article is ordered to be released to the applicant as per his personal search memo against receipt and after proper verification.

Application stands disposed of.

Copy of order be given dasti.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 807/20
PS Khajuri Khas
State Vs. Sumitra

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for calling status report**

Present: Ld. APP for the State.

Ld. Counsel for applicant.

Status report has been filed. Same is taken on record and be shared with
counsel for applicant.

Application stands disposed off accordingly.

**NITISH
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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 10900/20
PS Khajuri Khas
U/s 379/411 IPC
State Vs. Shahnawaz

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of accused on personal bond
Present: Ld. APP for the State.
Ld. Counsel for applicant.

It is stated that the accused could not arrange a surety and despite grant of bail on 18.09.2020, is still lying in judicial custody.

Submissions heard. Record perused.

Considering the facts and circumstances of the present case and the fact that accused has been unable to furnish surety for over a month, therefore taking a lenient view, it is directed that accused be released on furnishing a personal bond of Rs.10,000/.

Application stands allowed and disposed off accordingly.

Copy of this order be given dasti and also be sent to concerned Jail superintendent.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 741/20
PS Khajuri Khas
U/s 25/54/59 Arms Act
State Vs. Salman @ Kaliya

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of accused on personal bond.

Present: Ld. APP for the State.

Ld. Counsel for applicant.

It is stated that the accused could not arrange a surety and despite grant of bail on 11.11.2020, is still lying in judicial custody.

Submissions heard. Record perused.

Considering the facts and circumstances of the present case and the fact that accused has been unable to furnish surety for over a month, therefore taking a lenient view, it is directed that accused be released on furnishing a personal bond of Rs.10,000/.

Application stands allowed and disposed off accordingly.

Copy of this order be given dasti and also be sent to concerned Jail superintendent.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 000826/20
PS Khajuri Khas
U/s 379/411 IPC
State Vs. Akash @ Lomdi

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Akash @ Lomdi
Present: Ld. APP for the State.

As per reply, the applicant has already been granted bail in the present
FIR. Application is thus dismissed as infructuous.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 259/08
PS Gokalpuri
U/s 379/34 IPC
State Vs. Imran

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is a bail application u/s 437 CrPC of accused Imran**

Present: Ld. APP for the State.

Ld. Counsel for applicant/accused.

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been arrested after having being declared PO by this court. It is stated that due to expiry of his wife, the applicant was not keeping sound mind and for the same reason could not appear before the court and was eventually declared PO. It is further stated that the applicant is willing to abide by any conditions imposed by this court and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that the accused applicant has already been declared PO and has been arrested thereafter. There is no document to show unsoundness. It is further submitted that there are major chances that the applicant may jump the bail.

After considering the entire facts and circumstances of the case, including the nature of allegations involved in this case, the antecedents of the accused and the fact that applicant has been arrested after having been declared PO in the present matter, the court is of the view that accused is not entitled to the concession of bail. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to concerned Jail Superintendent for being delivered it to accused.

Copy dasti.

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Date: 2021.01.07
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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

D No. 65612
PS Khajuri Khas
State Vs. Unknown

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

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

Issue notice to IO through concerned SHO to remain present on the
NDOH.

Put up for 11.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 495/17
PS Khajuri Khas
U/s 279/337 IPC
State Vs. Deepak

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.
Present: Ld. APP for the State.
Ld. Counsel for applicant.

At request, put up for 11.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 09/13
PS Khajuri Khas
U/s 379/411 IPC
State Vs. HariChand

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of RC of surety

Present: Ld. APP for the State.

Ld. Counsel for applicant.

It is stated that accused has expired in the present matter and chargesheet has not been filed. It is prayed that RC of the surety be released.

IO is directed to file reply before NDOH.

Put up for 12.01.2021

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

07.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is a bail application u/s 437 CrPC of accused Jamal**

Present: Ld. APP for the State.

Ld. Counsel for accused/applicant

Heard on the above said application. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case, who has nothing to do with the alleged offence. It is stated that nothing was recovered from the possession of the accused. It is further stated that accused is only earning member in the family. It is further stated that accused is in JC since 29.11.2020 and no fruitful purpose will be served by keeping the accused in judicial custody as chargesheet has already been filed with request to grant bail to the accused.

Ld. APP for state has opposed the bail application under consideration.

Reply has also been filed by the IO wherein he had also opposed the application.

After considering the respective arguments, period of custody and the fact that chargesheet has already been filed and trial will take its time, this court of view that no fruitful purpose will be served by keeping the accused in judicial custody any longer pending investigation/trial. After considering the entire facts and circumstances of the case, accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 10,000/- with one surety of like amount subject to the following conditions:-

i) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;

ii) That he shall not indulge into similar offence or any other offence in the event of release on bail;

iii) That he shall not tamper with evidence in any manner;

iv) That in case of change of his residential address, he shall intimate the court about the same;

v) That he shall regularly appear before the court on each and every date of hearing; and

vi) That he shall not leave the territory of the Union of India without prior permission of the court.

Application stands disposed off.

Copy of this order be sent to all the concerned quarters through e-mode and concerned Jail Superintendent for being delivered it to accused.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021

FIR No. 35/20
PS Shastri Park
U/s 393/394/34 IPC
State Vs. Islamuddin

07.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Islamuddin

Present: Ld. APP for the State.

Ld. Counsel for applicant.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application by IO is perused.

The accused/applicant has been arrested with the allegations that he inter alia has committed the offence punishable u/s 394 IPC which is punishable with imprisonment for life. The accused as such cannot be admitted to bail u/s 437 Cr.PC. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to concerned Jail Superintendent for being delivered it to accused.

Copy dasti.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
07.01.2021