

State vs. Unknown
FIR No: ED-NAN-000683/2020
PS New Ashok Nagar

07.01.2021

Through Video Conference.

An application for release of mobile phone on superdari.

Pr.: Ld. APP for the State.

Sh. Rajat Yadav, Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the mobile 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, mobile be released to the owner after due identity and IMEI number verification to be conducted by IO/SHO concerned and on furnishing security bond as per valuation report of the mobile. After preparation of panchnama of the machine and furnishing of security bond as per directions of Hon'ble Supreme Court, the mobile phone 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.

Order be uploaded on the server.

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ACMM (EAST)/KKD/07.01.2021

State vs. Rajik Ulla Khan
E. FIR No: 22832/2020
PS New Ashok Nagar
u/s 379 IPC

07.01.2021

Through Video Conference

An application for grant of bail moved on behalf of
the applicant/accused.

Pr.: Ld. APP for the State.

Sh. Kuldeep Kumar, Id. Counsel for the applicant.

Submission heard.

At this stage, Id. Counsel seeks permission to
withdraw the present application.

Permission granted.

Accordingly, the aforesaid application is dismissed
as withdrawn.

Order be uploaded on the server.

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ACMM (EAST)/KKD/07.01.2021

State vs. Deepak Kumar Shami
FIR No: 0892/2015
PS Preet Vihar
u/s 420/34 IPC

07.01.2021
Through Video Conference

An application for surrender cum bail moved on behalf of the applicant/accused.

Pr.: Ld. APP for the State.

Sh. Gulvir, Id. Counsel for the applicant.

Submission heard. At this stage, Id. Counsel seeks permission to withdraw the present application with liberty to move a fresh one before Id. Duty MM in the jail.

Liberty granted.

Accordingly, the aforesaid application is dismissed as withdrawn.

Order be uploaded on the server.

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ACMM (EAST)/KKD/07.01.2021

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. 26839/2020
PS New Ashok Nagar
State Vs. Sohail
U/s 379 IPC

07.01.2021

Through video conferencing

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

Present: Ld. APP for the State.
Sh. C.P. Gaur, Id. counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO perused.

It is submitted by Id. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 20.12.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has been planted upon the applicant/accused and investigation qua him has already been completed. Hence, it is prayed, that accused/applicant may be granted bail.

The bail application is opposed by the Ld. APP for the State.

I have heard the submissions and perused the reply.

The accused is shown to be in custody since 20.12.2020. Investigation in the matter has already been completed and alleged recovery has already been effected. No useful purpose is going to be

served by keeping him in custody. 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 circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant be released from jail on his furnishing a bail bond in a sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of Id. M.M/Link MM/Duty MM.

With above directions, bail application of accused stands disposed of. Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the Id. counsel.

Order be uploaded on the server.

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ACMM (EAST)/KKD/07.01.2021