

07.11.2020

**The present application is taken up for hearing through VC through CISCO WEBEX APP.**

Present: Ld. APP for the State.

Sh. Shaad Anwar, Ld. Counsel for applicant / accused through VC.

An application u/sec. 437 Cr.P.C. for the release of the accused

Shadav on bail is moved by his Ld. Counsel.

Reply filed by the IO.

While arguing on behalf of accused, it is argued by his Id. Counsel that accused has been falsely implicated in the present case. It further stated that accused has surrender on his own and no incriminating material has been recovered from his possession. It is also stated that accused has been detained in Jc for past one month and one of the co accused with similar allegations has already been admitted to court bail. Hence it is prayed that since judicial custody of accused is not required for any purpose, he may be released on bail.

On the other hand opposing the bail application, it is argued by Ld. App for the state that Alleged offences are very serious in nature and despite the objection of the complainant the present accused with his other co accused not only harassed the complainant and passed obscene gestures and comments but also chased her and even extended threats. It is further stated that the accused persons did not stop there and even fired gun shots which fact is established through the cctv footage confirming the presence of present accused also at the spot at that time. It is further submitted that the conduct of the present accused has also remained highly objectionable as he never joined the investigation of the case and even proceedings under sec. 82 Cr.p.c were also initiated against him. The Ld. App further submits that the investigation of the case is still in progress and two other accused are also yet to be arrested. Hence, it is prayed that the bail application of

the accused may be dismissed.

After hearing both the sides and perusing the available material, keeping in view the allegations leveled against the accused and his conduct during the course of investigation, the court does not find that the accused has made out any case so as to be considered on parity with the co accused who has been admitted to court bail. Further keeping in view the seriousness of allegations, the alleged CCTV footage establishing the presence of the accused at spot from where the gun shots were allegedly fired in order to threaten the complainant and her master/landlord, his conduct during investigation and pending investigation, the court does not deem it fit to release the accused on bail. Hence the application in hand stand dismissed

**(Balwinder Singh)**  
**MM (East)/KKD/Delhi/07.11.2020**

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Present: Ld. APP for the State.

Ld. Counsel for applicant / accused through VC.

An application for release of vehicle bearing registration no. **DL-13H-0368** on superdari has been moved by the applicant Sanjay.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL-13H-0368** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

(Balwinder Singh)  
MM (East)/KKD/Delhi/07.11.2020

07.11.2020

**The present application is taken up for hearing through VC through CISCO WEBEX APP.**

Present: Ld. APP for the State.

Ld. Counsel for applicant / accused through VC.

An application for release of vehicle bearing registration no. **DL-3SDB-8415** on superdari has been moved by the applicant Vinod.

Reply is filed by the IO. As per reply, IO has no objection if the vehicle is released to its rightful owner. Heard. Application perused.

Having considered all the relevant inputs, report of the IO and in view of judgments in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) and **Manjeet Singh v. State**, I am satisfied that this will be an eminently fit case where vehicle bearing registration no. **DL-3SDB-8415** can be released to rightful owner, subject to execution of security bond. Accordingly, let vehicle 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 by the IO and countersigned by the complainant, accused, if any, as well as by the person to whom the custody is handed over.

The panchnama/photographs/valuation report etc. be filed along with the chargesheet. IO is also directed to follow the necessary safeguards insisted in **Sunderbhai Ambalal Desai v. State of Gujarat & Manjeet Singh v. State**.

The application stand disposed of accordingly. Copy of this order be given dasti to the applicant and IO as well.

(Balwinder Singh)  
MM (East)/KKD/Delhi/07.11.2020