

12.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Akash Kumar s/o Satish Chand.

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

This is the second bail application of accused / applicant and his first bail application was dismissed vide order dt. 18.12.2020 by this court.

It is stated that accused is in JC since 09.12.2020 and was falsely implicated in the present case. 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 allegations against the accused person is serious in nature as accused extort the money of complainant and accused was apprehended at the spot. It is further stated that investigation is at its initial stage. It is further stated that accused has involvement in 02 other cases and a habitual offender. It is further stated that It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

In the present case, allegations against the accused are serious in nature as as accused extort the money of complainant. Further, accused was apprehended from the spot. Further, accused has involvement in 02 other cases and a habitual offender. Furthermore, Sec. 420 IPC is serious offence. Further, no change in circumstance stated by counsel for accused, after dismissal of first bail application vide order dt. 18.12.2020. 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 if made out. In view of same, bail application if accused Akash Kumar s/o Satish Chand stands dismissed. Application disposed off accordingly.

Copy of order be given dasti.

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

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
12.01.2021

12.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Nazim s/o Sh. Babu Khan.

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

This is the second bail application of accused / applicant and his first bail application was dismissed vide order dt. 18.12.2020 by this court.

It is stated that accused is in JC since 20.11.2020 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 allegations against the accused person is serious in nature, as accused along with co-accused theft the complainant motorcycle and shown in CCTV footage. It is further stated that accused has involvement in 11 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

In the present case, allegations against the accused are serious in nature. Further, as per IO the vehicle used for theft was driven by accused. Further, accused has involvement in 11 other cases and a habitual offender. Furthermore, no change in circumstance, after dismissal of first bail application vide order dt. 18.12.2020. 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 if made out. In view of same, bail application if accused Nazim s/o Sh. Babu Khan stands dismissed. Application disposed off accordingly.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
12.01.2021

State vs. Sumit Malhotra s/o Kishore  
e-FIR No. 032549/20  
PS. Jagatpuri  
U/s. 379/411 IPC

12.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Sumit Malhotra s/o Kishore.

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

It is stated that accused is in JC since 04.01.2020 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 allegations against the accused person is serious in nature, as accused along with co-accused stolen the motorcycle of complainant and stolen vehicle was recovered from the possession of accused. It is further stated that accused has involvement in 19 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

In the present case, allegations against the accused are serious in nature as accused alongwith co-accused stolen the vehicle of the complainant. Furthermore, accused has involvement in 19 other cases in similar nature and a habitual offender. 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 Sumit Malhotra s/o Kishore stands dismissed. Application disposed off accordingly.

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

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
12.01.2021

12.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

**This is an application to release vehicle no. DL-13SW-0698 on superdari moved on behalf of applicant Ashok Kumar s/o Agan Lal.**

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. DL-13SW-0698 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.

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

**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
12.01.2021

12.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Sajid s/o Khushnoor.

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

It is argued by counsel for accused that accused is in custody since 27.12.2020. It is further stated that accused has falsely implicated in this case. It is further stated that nothing has been recovered from the possession of accused. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was arrested in the present case and stolen vehicle was recovered from the possession of accused. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

Considering the fact that accused is in JC since 27.12.2020 and recovery has already been effected. Furthermore, accused is a first time offender and has no previous involvement. Further, in view of the ongoing Covid pandemic conclusion of trial may take some time. In view of the same, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same, accused Sajid s/o Khushnoor be released on bail, subject to furnishing of bail bond and two sureties for a sum of Rs. 10,000/- each and further bail is granted subject to the conditions that:-

1. He shall not threaten or influence the witnesses.
2. He shall join the investigation as and when he is called upon by the IO.
3. He shall not tamper with evidence.
4. He shall appear before this court on each and every date of hearing.
5. He shall further intimate the court about change of his or his surety's address.

Application is disposed off accordingly.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
12.01.2021