

State vs. Santu Viswash @ Chotu
FIR no. ED-227/2020
PS New Ashok Nagar
U/s 379/411 IPC

13.05.2021

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 received from Jail

Present: Ld. APP for the State.
Sh. Yogesh Bhardwaj, ld. LAC for the applicant/
accused.
IO HC Ashok through VC.

Accused is stated to be in JC.

It is submitted by ld. LAC for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 10.05.2021. It is submitted by ld. Counsel for the applicant/accused that nothing has been recovered from the applicant/accused and alleged recovery has been planted upon him. It is further submitted that investigation qua the accused has also been completed and charge sheet has also been filed, 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 10.05.2021. Alleged recovery has already been effected. Investigation qua him has already been completed and charge sheet has also been filed. 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, nature of offence in question and the submissions of IO, accused/ applicant is hereby granted bail on furnishing personal bond in the sum of Rs. 10,000/- 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 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.

A copy of this order be also sent to the office of DLSA, East District, KKD Courts, Delhi.

Copy be given dasti to the ld. LAC.

(PANKAJ ARORA)
ACMM (EAST)/KKD/10.05.2021

State vs. Sunny
FIR no. 330/2020
PS New Ashok Nagar
U/s 419/420/34 IPC
13.05.2021

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 an application u/s 437 Cr.P.C received from jail for grant of bail.

Present: Ld. APP for the State.
Sh. Yogesh Bhardwaj, ld. LAC for the
applicant/accused.
Submissions heard. Reply perused.

As per the reply to the bail application received from the IO, it is stated that a case FIR no. 330/2020 was registered for the offences u/s 419/420/34 IPC, wherein the applicant/accused Sunny s/o Raju has not been arrested.

In view of the aforesaid reply, the bail application is not maintainable and hence, the same stands dismissed.

Digitally signed copy of the order be sent to the Jail Superintendent concerned, for necessary information and compliance, if any and to supply the copy to the accused.

A copy of this order be also sent to the office of DLSA, East District, KKD Courts, Delhi.

Copy be given dasti to the ld. LAC.

(PANKAJ ARORA)
ACMM (EAST)/KKD/13.05.2021

State vs. Not Known
FIR no. 009583/2021
PS Preet Vihar

13.05.2021

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-7S-AL-0671 (Scooty) on superdari

Present.: Ld. APP for the State.

Applicant with counsel.

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/13.05.2021

State vs. Mahender Raikwar
FIR no. 122/21
PS Preet Vihar

13.05.2021

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-2C-AZ-4826 and mobile phone (Samsung galaxy) on superdari

Present.: Ld. APP for the State.

Applicant with counsel.

Submission heard. Reply of IO perused.

Instead of releasing the vehicle and mobile phone on superdari, I am of the considered view that the vehicle and mobile phone have 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.

Further, the mobile phone in question be also released to the **owner as per invoice after due identity and IMEI No. 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 vehicle and mobile and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle and mobile 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/13.05.2021