

**State vs. Ashu**  
**FIR no. 127/2021**  
**PS New Ashok Nagar**

**15.05.2021**

**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 for release of **Mobile Phone Oppo** on superdari

Pr. Ld. APP for the State.  
Applicant with counsel through VC.

Submission heard. Reply of IO perused.

Instead of releasing the mobile on superdari, I am of the considered view that the mobile 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 phone in question be 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 mobile and furnishing of security bond as per directions of Hon'ble Supreme Court, the 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/15.05.2021**

**State vs. Not Known**  
**E. FIR no. 0038/2021**  
**PS Preet Vihar**

**15.05.2021**

**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 for release of **Mobile Phone Redmi Note 8 Pro** on superdari

Pr. Ld. APP for the State.  
Applicant with counsel through VC.

Submission heard. Reply of IO perused.

Instead of releasing the mobile on superdari, I am of the considered view that the mobile 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 phone in question be 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 mobile and furnishing of security bond as per directions of Hon'ble Supreme Court, the 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/15.05.2021**

**State vs. Sandeep Kumar Verma**  
**FIR no. 72/2021**  
**PS Preet Vihar**  
**U/s 408/409/420/120-B IPC**

**15.05.2021**

**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 moved on behalf of the applicant/accused for grant of interim bail.**

Present: Ld. APP for the State.  
Sh. Sandeep Vashisht, ld. counsel for the applicant /accused.

Accused is stated to be in JC.

Submissions heard. Reply perused.

It is submitted by ld. counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter on the basis of disclosure statement of the co-accused, which is inadmissible under law and he is in J.C since 20.03.2021. It is further submitted that investigation qua the accused has also been completed, hence no fruitful purpose would be served by keeping the accused/applicant in custody. It is further submitted that applicant's case is fully covered as per the guidelines issued by the Hon'ble High Power Committee ( HPC) vide minutes of meetings dated 04.05.2021

for effective implementation of directions issued by the Hon'ble Supreme Court of India in Suo Moto Petition no. 1/2020. Hence, it is prayed, that accused/ applicant may be granted interim bail.

Bail application is opposed by the ld. APP stating that as per the reply filed by the IO, Section 409 IPC has also been invoked in the present case, which is punishable for life imprisonment and as such, this application is not maintainable before this court and is liable to be dismissed.

I have heard rival submissions and perused the reply.

As per the reply to the bail application filed by the IO, Section 409 IPC has also been invoked in the matter. Twice the bail applications of the applicant/accused has also been dismissed by the ld. Sessions Court. Regular bail application of the applicant/accused is already pending before the Hon'ble High Court of Delhi. Since, the offence u/s 409 IPC is punishable with imprisonment for life, therefore, in view of Section 437 Cr.P.C, this bail application is not maintainable before this court and is hereby dismissed.

Copy be given dasti to the ld. Defence counsel.

**(PANKAJ ARORA)**  
**ACMM (EAST)/KKD/15.05.2021**

**State vs. Mohit Pal**  
**E. FIR no. ED-NAN-000453/2021**  
**PS New Ashok Nagar**  
**U/s 380/454/411/34 IPC**

**15.05.2021**

**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 moved on behalf of the applicant/accused for grant of bail/interim bail.**

Present: Ld. APP for the State.  
Sh. Amit Kain, ld. counsel for the applicant  
/accused.  
Deputed IO SI K.P.Singh through VC.

Accused is stated to be in JC.

Part submissions heard. Reply perused.

Some time is sought by the deputed IO to ascertain the complete facts from the main IO of the case, who is presently under quarantine.

At request, list this bail application on 17.05.2021 before the ld. Duty M.M.

**(PANKAJ ARORA)**  
**ACMM (EAST)/KKD/15.05.2021**