

FIR No. 628/2020
PS. Khajuri Khas
U/s 279/304 IPC
State v Unknown

18.12.2020

This is an application for releasing the vehicle on superdari
Proceedings conducted through Video-Conferencing.

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

It is submitted by ld counsel for applicant that funds could not be
arranged for getting the FDR ready. It is requested that one month time may be given
for the same.

In this eventuality, at request put up for 20.01.2021

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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
18.12.2020

FIR No. 11647/2020
PS. Khajuri Khas
U/s 379 IPC
State v Shakir

18.12.2020

Proceedings conducted through Video-Conferencing.
Present: Ld. APP for State.

None approached the court on the given URL/VC-link from the side of applicant.

In this eventuality, put up for 22.12.2020

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Digitally signed by
NITISH KUMAR
SHARMA
Date: 2020.12.18
12:05:20 +05'30'

(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
18.12.2020

FIR No. 031018/2020
PS. Khajuri Khas
U/s 379 IPC
State v Shadab

18.12.2020

This is an application for bail u/s 437 CrPC of accused Shadab
Proceedings conducted through Video-Conferencing.

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

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that accused is in custody since 11.12.2020 and that the investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody. It is prayed that accused/applicant be granted grant bail.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application by HC Rajkumar is perused. It is stated that motorcycle of the complainant has recovered from the accused and allegations against the applicant accused are serious. It is further stated that the applicant accused is a habitual offender. It is further stated that there is apprehension that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail.

After considering the entire facts and circumstances of the case, including the nature of allegations involved in this case, rise in the crime of this nature and the fact that applicant has been previously involved, court is of the view that accused is not entitled to the concession of bail at this stage. Consequently, bail application under consideration is dismissed.

Copy of this order be sent through electronic modes/whatsapp/email to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

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NITISH KUMAR
SHARMA
Date: 2020.12.18
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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
18.12.2020

FIR No. 032214/2020
PS. Khajuri Khas
U/s 379 IPC
State v Unknown

18.12.2020

This is an application for releasing of vehicle No. DL1RW 3478 on superdari.

Proceedings conducted through Video-Conferencing.
Present: Ld. APP for State.
Applicant with counsel.

Reply filed by the IO HC Avneesh Kumar. Same is taken on record.

The vehicle is no more required for the purpose of investigation.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State Crl. M.C. 4485/2013 decided on 10.09.2014** wherein it has been held that:

“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 countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.

Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

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/released 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.

If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. DL1RW 3478 be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

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NITISH KUMAR SHARMA
Date: 2020.12.18
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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
18.12.2020

FIR No. 595/2020
PS. Shastri Park
U/s 379/356/411/34 IPC
State v Yatender

18.12.2020

This is an application for bail u/s 437 CrPC of accused Yatender
Proceedings conducted through Video-Conferencing.

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

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that accused is in custody since 13.12.2020 and that the investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody. It is prayed that accused/applicant be granted grant bail.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application by ASI Satish Chand is perused. It is stated that co-accused is yet to be arrested and allegations against the applicant accused are serious. It is further stated that there is apprehension that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail.

After considering the entire facts and circumstances of the case, including the nature of allegations involved in this case and rise in the crime of this nature, court is of the view that accused is not entitled to the concession of bail at this stage. Consequently, bail application under consideration is dismissed.

Copy of this order be sent through electronic modes/whatsapp/email to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

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NITISH KUMAR
SHARMA
Date: 2020.12.18
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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
18.12.2020