

State vs. Not known
CCT No. 1192/20 dt. 12.10.2020
PS. Madhu Vihar

19.12.2020

Present: Ld. APP for the State.
Counsel for applicant/ complainant.

An application u/s 154(3)/36 Cr.P.C for knowing status of DD / CCT no. 1192 dt. 12.10.2020 filed on behalf of applicant / complainant Madan Mohan Jha s/o Sh. Shiva Nand Jha.

Status report filed. Report be supplied to applicant / accused.

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

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Date:
2020.12.19
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0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
19.12.2020

19.12.2020

This is an application to release mobile phone VIVO V15 on superdari moved on behalf of applicant Anup Kumar.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner/AR of the abovesaid property.

Learned APP for State has submitted that he has no objection if the mobile 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 mobile, 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, **mobile phone VIVO V15 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.
- (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 mobile 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

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Date:
2020.12.19
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(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
19.11.2020

State vs. Hemant Kumar
e-FIR No. 543/20
PS. Madhu Vihar
U/s. 379/411 IPC

19.12.2020

Present order shall dispose off the bail application of accused Hemant Kumar s/o Vijay Kumar.

Present: Ld. APP for State.

Counsel for applicant (through Webex).

It is argued by counsel for accused that accused is in custody since 15.12.2020. 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 by PS Pandav Nagar in DD no. 72A dt. 18.11.2020 and stolen mobile phone was recovered from the possession of accused. It is further stated that accused has involvement in 01 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments through VC and perused the record.

Considering the fact that accused is in JC since 15.12.2020 and recovery has already been effected. 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 Hemant Kumar s/o Vijay Kumar be released on bail, subject to furnishing of bail bond and two sureties for a sum of Rs. 15,000/- 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.

Copy of this order be given dasti.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
19.12.2020

State vs. Kapil Dev s/o Nisar Ahmed
e-FIR No. 031912/20
PS. Jafrabad
U/s. 379/411 IPC

19.12.2020

Present order shall dispose off the bail application of accused Kapil Dev s/o Nisar Ahmed.

Present: Ld. APP for the state.
Counsel for applicant (through Webex).

It is stated that accused is in JC since 13.12.2020 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. It is further stated that investigation is pending in the present case. It is further stated that accused has involvement in 02 other cases and a habitual offender.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature. Further, investigation is at its initial state. Furthermore, accused has involvement in 02 other cases and he is a repeated offender in similar cases. 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 Kapil Dev s/o Nisar Ahmed stands dismissed. Application disposed off accordingly.

Copy of order be given dasti.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
19.12.2020

State vs. Mohit
FIR No. 235/20
PS. Madhu Vihar
U/s. 269/270/308/34 IPC,
3 of Epidemic Diseases Act &
51/58 Disaster Management

19.12.2020

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

An application for release of mobile phone model no. MI-Y2 and SIM no. 8512022200 & 9968964549 moved on behalf of applicant / accused.

Heard and perused.

Report of IO perused. IO reported that he has no objection if personal search articles be released to the accused/rightful owner.

Keeping in view the facts of the case, IO is directed to release the personal search articles of the accused as per his personal search memo against receipt and proper verification.

Application disposed off accordingly.

Copy of the order be given dasti.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
19.12.2020

State vs. Rashid @ Cablewala
FIR No. 269/16
PS. Jafrabad
U/s. 307/34 IPC & 27 Arms Act

19.12.2020

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

An application for calling status report filed on behalf of applicant / accused Rashid @ Cablewala.

Copy of status report filed by the IO SI Devender Singh.

IO SI Devender Singh is directed to expedite the investigation as FIR pertains to 2016 and is for a serious offence. IO is further directed to file status of investigation progress within a month from today.

Put up again on 18.01.2021.

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(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
19.12.2020