

FIR No. 14258/2020

PS. Gokulpuri

U/s 379 IPC

State v Irfan

19.12.2020

This is an application for issuance of NBWs  
Proceedings conducted through Video-Conferencing.

Present: Ld. APP for State.  
IO in person

At request of IO, put up for 22.12.2020

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(Nitish Kumar Sharma)

MM(03)/North East/KKD Court/Delhi

19.12.2020

FIR No. 220/2019  
PS. GokulPuri  
U/s 25 Arms Act  
State v Sunil

19.12.2020

This is an application for issuance of production warrants of accused.  
Proceedings conducted through Video-Conferencing.

Present: Ld. APP for State.  
None for applicant.

None has joined the link on behalf of applicant on the given URL/VC link.

Perusal of record shows that none has been appearing in the present matter since its filing.

No contact details of the counsel is mentioned on the application.

However, in the interest of justice, the matter is kept for physical hearing day i.e. 22.12.2020 for further proceedings.

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MM(03)/North East/KKD Court/Delhi  
19.12.2020

FIR No. 482/2020  
PS. Shastri Park  
U/s 25/54/59 Arms Act  
State v Abhishek @ Anda

19.12.2020

This is an application for bail u/s 437 CrPC of accused Abhishek @ Anda

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 11.10.2020 and that the investigation is complete, chargesheet has already been filed, 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 is perused. It is stated that 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 respective arguments and perusing the record and considering the fact that chargesheet has already been filed and trial will take its own time, this court is of the view that no fruitful purpose will be served by keeping the accused in judicial custody any longer pending trial. After considering the entire facts and circumstances of the case, accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 10,000/- with one surety of like amount subject to the following conditions:-

i) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;

ii) That he shall not indulge into similar offence or any other offence in the event of release on bail;

iii) That he shall not tamper with evidence in any manner;

iv) That in case of change of his residential address, he shall intimate the court about the same;

v) That he shall regularly appear before the court on each and every date of hearing; and

vi) That he shall not leave the territory of the Union of India without prior permission of the court.

Application stands disposed off.

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)  
MM(03)/North East/KKD Court/Delhi  
19.12.2020

FIR No. 030569/2020  
PS. Khajuri Khas  
U/s 379/411/34 IPC  
State v Kapil Dev

19.12.2020

Proceedings conducted through Video-Conferencing.

This is an application for bail u/s 437 CrPC of accused Kapil Dev

Present: APP for State.  
Counsel for 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 14.12.2020, 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 with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that allegations against the accused are very serious and he has been previously involved and the investigation is at its initial stage, there is apprehension that if accused is released on bail he may jump the bail.

After considering the entire facts and circumstances of the case, including the nature & seriousness of allegations involved in this case, previous involvement of applicant 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)

MM(03)/North East/KKD Court/Delhi  
19.12.2020

FIR No. 597/2020  
PS. Shastri Park  
U/s 25/54/59 Arms Act  
State v Kashif  
19.12.2020

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

Present: APP for State.  
Counsel for applicant.  
Arguments on the bail application heard. Perused.

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 14.12.2020, 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 with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that allegations against the accused are very serious as one loaded pistol and 27 live cartridges were recovered from the possession of accused and the investigation is at its initial stage, there is apprehension that if accused is released on bail he may jump the bail.

After considering the entire facts and circumstances of the case, including the nature and seriousness of allegations involved in this case, 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)  
MM(03)/North East/KKD Court/Delhi  
19.12.2020

FIR No. 838/2020  
PS. Khajuri Khas  
U/s 25/54/59 Arms Act  
State v Chand Malik  
19.12.2020

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

Present: Ld. APP for State.  
Counsel for 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 05.11.2020 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 is perused. It is stated that allegations against the applicant accused are serious and he has no permanent address in Delhi. 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 respective arguments and perusing the record and considering the fact that recovery has already been affected and investigated is complete qua the accused applicant, this court is of the view that no fruitful purpose will be served by keeping the accused in judicial custody any longer pending investigation/trial. After considering the entire facts and circumstances of the case, accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 10,000/- with one surety of like amount subject to the following conditions:-

- i) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;
- ii) That he shall not indulge into similar offence or any other offence in the event of release on bail;
- iii) That he shall not tamper with evidence in any manner;
- iv) That in case of change of his residential address, he shall intimate the court about the same;

v) That he shall regularly appear before the court on each and every date of hearing; and

vi) That he shall not leave the territory of the Union of India without prior permission of the court.

Application stands disposed off.

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)

MM(03)/North East/KKD Court/Delhi

19.12.2020

FIR No. 529/2020  
PS. Shastri Park  
U/s 356/379/34 IPC  
State v Unknown  
19.12.2020

This is an application for releasing the vehicle DL 5SCJ 5908 on superdari.

Proceedings conducted through Video-Conferencing.

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

Reply filed. As per reply, the owner/applicant has not produced the accused persons.

Ld. Counsel for applicant submitted that he has been fully cooperating in the investigation.

In this eventuality, IO is directed to come present on 22.12.2020.

Copy of this order be sent to concerned IO through Naib for information and compliance.

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(Nitish Kumar Sharma)  
MM(03)/North East/KKD Court/Delhi  
19.12.2020

FIR No. 012013/2020

PS. G.puri

U/s 379 IPC

State v Unknown

19.12.2020

This is an application for releasing the vehicle DL 5SAS 5912 on superdari.

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

Reply filed by the IO /ASI. 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 trial. 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.*

Contd.....

*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. DL 5SAS 5912 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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19.12.2020