

FIR No. 447/2020
PS. Shastri Park
U/s 392/397/34 IPC
State v Faizan

21.12.2020

This is an application for bail u/s 167(2) CrPC on behalf of accused
Faizan

Proceedings conducted through Video-Conferencing.

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

It is stated that accused is in custody since 20.09.2020 and no chargesheet has been filed till date. It is further stated that more than 90 days have expired and as such accused is entitled to statutory bail u/s 167(2) CrPC.

Reply filed. Perused.

It is submitted by Ld. APP that chargesheet is yet to be filed and more than 90 days have expired and accused applicant is entitled to be released on bail.

Submissions heard.

In view of the submissions made, application stands allowed and accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 10,000/- with one surety of like amount.

Copy of this order be sent through electronic modes to all concerned quarters and to Concerned Jail Superintendent to be delivered to the accused.

Copy Dasti.

(Nitish Kumar Sharma)

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

21.12.2020

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FIR No. 447/2020
PS. Shastri Park
U/s 392/397/34 IPC
State v Mazhar

21.12.2020

This is an application for bail u/s 167(2) CrPC on behalf of accused
Mazhar

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

It is stated that accused is in custody since 20.09.2020 and no chargesheet has been filed till date. It is further stated that more than 90 days have expired and as such accused is entitled to statutory bail u/s 167(2) CrPC.

Reply filed. Perused.

It is submitted by Ld. APP that chargesheet is yet to be filed and more than 90 days have expired and accused applicant is entitled to be released on bail.

Submissions heard.

In view of the submissions made, application stands allowed and accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 10,000/- with one surety of like amount.

Copy of this order be sent through electronic modes to all concerned quarters and to Concerned Jail Superintendent to be delivered to the accused.

Copy Dasti.

(Nitish Kumar Sharma)

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

21.12.2020

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

21.12.2020

This is an application for bail u/s 437 CrPC of accused Ayub
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 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 the present accused was apprehended in some other case in Seelampur and stolen property i.e. motorcycle of complainant was found from his possession. 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
21.12.2020

FIR No. 245/2020
PS. Shastri Park
U/s 392/394/34 IPC
State v Shahnawaz

21.12.2020

Proceedings conducted through Video-Conferencing.

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

Present: APP for State.
Counsel for applicant

Ld. Counsel for applicant states that he has instructions to withdraw the present application.

In view of the submission made, the present application stands disposed off as withdrawn.

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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
21.12.2020

FIR No. 02379/2020
PS. Gokul Puri
U/s 25 Arms Act
State v Vijay @ Mota
21.12.2020

This is an application for bail u/s 167(2) CrPC of accused Vijay
Proceedings conducted through Video-Conferencing.

Present: APP for State.
Counsel for applicant.

Ld. Counsel for applicant states that he has instructions to withdraw the
present application as chargesheet has already been filed.

In view of the submission made, the present application stands dismissed
off as withdrawn.

Copy be given dasti.

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(Nitish Kumar Sharma)

MM(03)/North East/KKD Court/Delhi
21.12.2020

FIR No. 027665/2020
PS. Shastri Park
U/s 379 IPC
State v Not Known
21.12.2020

This is an application for getting vehicle DL6SAT2839 released 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 CrI. 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.

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. DL6SAT2839 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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MM(03)/North East/KKD Court/Delhi
21.12.2020

FIR No. 599/2020
PS. Shastri Park
U/s 356/379/411 IPC
State v Shubham
21.12.2020

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

Present: Ld. APP for State.
Applicant in person.

The present application for release of Mobile phone make Tecno Spark 6 Air on superdari has been filed by the applicant. It is stated by the applicant that he is the owner of the above said mobile phone with request to release the same to him on superdari.

Reply has been filed by HC Surender Singh wherein it is stated that accused was apprehended along with the above said stolen mobile phone and there is no objection for the release of said mobile phone on superdari.

Heard.

In these circumstances the aforesaid mobile be released to the applicant subject to the following conditions:

1. Mobile phone be released to its owner only subject to furnishing of superdarinama to the satisfaction of the concerned SHO/IO.
2. IO shall prepare detailed panchnama also mentioning the colour, make, owner and other necessary details of the mobile phone.
3. IO shall take the colour photographs of the mobile phone from different angles.
4. The photographs should be attested and counter signed by the complainant, accused and the applicant;
5. IO shall get the mobile phone value from a proper valuer and shall take a valuation report in this regard from the valuer.

Copy of this order be given dasti to the applicant.

Copy of this order be also sent to SHO concerned for compliance.

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(Nitish Kumar Sharma)
MM(03)/North East/KKD Court/Delhi
21.12.2020

FIR No. 017792/2020
PS. Khajuri khas
U/s 379 IPC
State v Not Known
21.12.2020

This is an application for getting vehicle DL8SCL2548 released 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 CrI. 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. DL8SCL2548 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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MM(03)/North East/KKD Court/Delhi
21.12.2020

FIR No. 535/2020
PS. Gokulpuri
U/s 279/337 IPC
State v Ajmeri
21.12.2020

This is an application for getting vehicle DL01MA3788 released 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 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.

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. DL01MA3788 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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