

FIR No.103/19  
PS Laxmi Nagar  
State Vs. Unkown

21.10.2020

**In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.**

Present: None.

Affidavit not filed by the applicant.

Since none is present on behalf of applicant in the present matter, the same be adjourned for NDOH.

Be listed on 29.10.2020.

  
( RENU CHAUDHARY)  
MM-04/East/KKD/Delhi/21.10.2020

E. FIR No.025801/20  
PS Laxmi Nagar  
Applicant: Yusuf Khan  
21.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

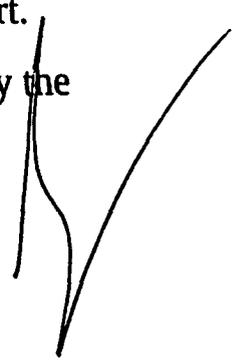
Present: Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. DL-13SX-2345 (Honda X-Blade) on superdari.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the vehicle is not required by the police.

Heard on the application for releasing the vehicle i.e. DL-13SX-2345 (Honda X-Blade) to the applicant/owner. Photocopy of RC of the vehicle and the insurance papers of the vehicle in question in the name of the applicant/owner have been filed. Considering the same, in view of the judgment of Hon'ble High Court of Delhi titled as "Manjit Singh vs. State in Criminal MC No. 4485/13 dated 10.09.2014", the said vehicle in question is released to the rightful owner subject to following conditions:-

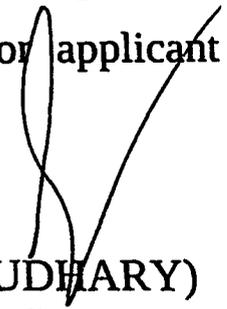
1. IO is directed to release the vehicle to the rightful owner after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the



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

3. Owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. DL-13SX-2345 (Honda X-Blade) before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the rightful owner, his identity proof and address proof and shall release the vehicle after verifying the ownership of the applicant and insurance of the vehicle.
5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.
6. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Id. Counsel for applicant through electronic mode.

  
( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/21.10.2020

FIR No.472/20  
PS Laxmi Nagar  
Applicant: Rahul  
21.10.2020

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020 of the Hon'ble High Court of Delhi and office order no. 5566-75/D&SJ (East)/KKD/Delhi dated 29.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matter is taken up for hearing through video conferencing using the App Cisco WebEx.

Present: Ld. APP for the State (through video conferencing).  
Sh. Sumit Sharma, Ld. Counsel for accused (through video conferencing).

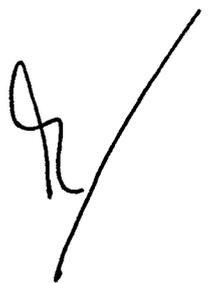
Vide this order, I shall dispose of the application moved by accused Rahul seeking bail.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that accused has been falsely implicated in the present case and he is in JC since 14.10.2020. It is prayed that bail be granted to the accused as he is a young boy aged 18 years and has clean antecedents. It is further submitted that accused is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, Ld. APP for the state strongly opposed the bail application submitting that accused was apprehended at the spot and he has no permanent address in Delhi. It is further submitted that accused may threaten the complainant and that he may tamper or hamper the evidence and jump the bail.



The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, the investigation is at initial stages, therefore, there is every likelihood that the accused may temper with the prosecution's evidence if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Rahul is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

  
( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/21.10.2020