

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Not Known

FIR no. 612/2020

PS New Ashok Nagar

U/s 379 IPC

22.12.2020

Through video conferencing

Application for release of mobile phone make Redmi 7A
on superdari.

Present: Ld. APP for the State.

Sh. Sanjay Kumar, Id. counsel for the
applicant/accused.

Submission heard. Reply of IO perused.

Instead of releasing the mobile on superdari, I am of
the considered view that the mobile has to be released as
per directions of Hon'ble Supreme Court in case titled as
**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC
638** wherein it has been held that :

*“Vehicle 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.

69. 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.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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

72. 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.

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

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit**

Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, mobile phone in question be released to the owner as per invoice after due identity and IMEI No. verification to be conducted by IO/SHO concerned and on furnishing security bond as per valuation report of the mobile. After preparation of panchnama of the machine and furnishing of security bond as per directions of Hon'ble Supreme Court, the mobile be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant. Order be uploaded on the server.

(PANKAJ ARORA)

ACMM (EAST)/KKD/22.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Kunal Yadav

FIR NO. Not known

PS Kondali

22.12.2020

Through video conferencing

An application seeking direction to the concerned police officials to provide case details.

Present: Ld. APP for the State.

Sh. Rajesh Kumar, Id. counsel for the applicant/accused.

Reply along with copy of FIR filed.

Let copy of the same be supplied to the Id.

Counsel for the applicant.

The application stands disposed of.



(PANKAJ ARORA)

ACMM (EAST)/KKD/22.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. 000650/2020

PS Preet Vihar

State Vs. Shane Alam

U/s 379 IPC

22.12.2020

Through video conferencing

A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.

Sh. Shahrukh Chauhan, Id. counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO perused.

It is submitted by Id. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 14.11.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has been planted upon the applicant/accused and investigation qua him has already been completed. Hence, it is prayed, that accused/applicant may be granted

bail.

The bail application is opposed by the Ld. APP for the State.

I have heard the submissions and perused the reply.

The accused is shown to be in custody since 14.11.2020. Investigation in the matter has already been completed and recovery has already been effected. No useful purpose is going to be served by keeping him in custody. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant be released from jail on his furnishing a personal bond in a sum of Rs. 10,000/- to the satisfaction of Jail Superintendent concerned. Jail Superintendent shall ascertain from the PS concerned as to whether the address of the accused is verified or not.

Digitally signed copy of the order be sent to the Jail Superintendent concerned, which shall also be treated as release warrant upon acceptance of the personal bond.

With above directions, bail application of accused stands disposed of.

Copy be given dasti to the Id. counsel.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/22.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

State vs. Sumit Kumar & Ors.

FIR NO. 0446/2020

PS New Ashok Nagar

22.12.2020

Through video conferencing

An application seeking direction to the concerned Jail superintendent for taking the applicant to GTB Hospital for necessary treatment

Present: Ld. APP for the State.

Sh. Pramod Nagar, Id. counsel for the
applicant/accused.

Request is received from the Dy. Superintendent,
Central No. 13, Mandoli Delhi to file the medical report for
granting two working days time.

At request, list this application for consideration
on 24.12.2020. Medical report of the applicant be called for
the date fixed.



(PANKAJ ARORA)

ACMM (EAST)/KKD/22.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. 0158/2020

PS Preet Vihar

State Vs. Prashant

U/s 406/34 IPC

22.12.2020

Through video conferencing

A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.

Sh. Yogesh Sharma and Deepak Jain, Id. counsel for the applicant/accused.

Sh. Rajesh Kaushik, Id. Counsel for the complainant.

Ld. Counsel for the complainant has not yet got forwarded his written submissions through Ld. APP for state. Already sufficient time is given. No further adjournment can be granted for this purpose.

Accused is stated to be in JC.

It is submitted by Id. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he has already suffered

incarceration for around seven days. It is submitted by Id. Counsel for the applicant/accused that the applicant/accused is having clean antecedents and the investigation qua him has already been completed. Hence, it is prayed, that accused/applicant may be granted bail.

The bail application is opposed by the Ld. APP for the State stating that investigation is at preliminary stage and co-accused are yet to be arrested and it is prayed that bail application be dismissed.

I have heard the submissions and perused the reply.

There are specific allegations against the applicant/accused Prashant that he was an employee of the complainant and he along with his co-accused persons namely Sachin Pathak and Ravi Kumar misappropriated around Rs. 45 lacs, which amount was received from the patients on behalf of the complainant for conducting the tests

at Diagnostic Center of the complainant. Co-accused Ravi is yet to be arrested. Entire misappropriated amount is yet to be recovered. Investigation is at nascent stage. Considering the aforesaid facts as well as seriousness of the allegations against the applicant/accused, no ground to grant bail to the applicant is made out at this stage. **Accordingly, the bail application is dismissed.** Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the Id. counsel.

Order be uploaded on the server.

(PANKAJ ARORA)

ACMM (EAST)/KKD/22.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. 1499/2020

PS Preet Vihar

State Vs. Balwant

U/s 379/411 IPC

22.12.2020

Through video conferencing

A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.

Ms. Shimla Tomar, Id. counsel for the applicant/accused.

At this stage, Id. Counsel for the applicant seeks permission to withdraw the present application. Heard. Liberty granted. Accordingly, the bail application stands disposed of as dismissed as withdrawn.

Order be uploaded on the server.

(PANKAJ ARORA)

ACMM (EAST)/KKD/22.12.2020