

FIR No. 83/21
PS Krishna Nagar
U/s 406/506/34 IPC
State vs. Rohit Verma
22.02.2021

Present : Ld. APP for the State.

Ld. Counsel for accused.

Ld. counsel for the complainant.

Bail application perused. Reply of the bail application is on record.

Same is perused.

Ld. Counsel for the accused submits that the accused has been falsely implicated. It is further stated that the accused is in JC since 15.02.2021. It is further submitted that although the accused has been alleged to be a partner in M/s S.R. Jewellers, the same is a proprietorship concerned owned by accused Suraj Soni. It was further submitted that the essential ingredient of the offence u/s 406 IPC is entrustment but as per the FIR itself, no entrustment was made to the present accused by the complainant. Further, even though the nature of allegations against co- accused Naveen is the same as those against the present accused, accused Naveen has not been apprehended by the police which shows the bias of the IO against the present accused. It was also submitted that accused is no more required for investigation and the matter is of a civil nature. Further, the accused is ready to furnish surety and is having deep roots in society.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and investigation is at initial stage. Further case property of the present case is yet to be recovered.

The Ld. Counsel for the complainant reiterated the submission of the Ld. APP for the State and also submitted that another similar case has also been registered against the accused.

Heard both the parties.

I have perused the reply of the IO as well as the contents of the FIR. The offences alleged are serious in nature in as much as the complainant has alleged that he handed over jewellery articles worth Rs.35 lacs to the accused persons on 12.01.2021 at their shop i.e. M/s S.R. Jewellers Krishna Nagar on their assurance that the same would be returned in 2-3 days. Furthermore the complainant has alleged that after 2-3 days, when the complainant contacted the

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accused persons, they kept on lingering the matter, stopped attending the phone calls of the complainant and the above shop was also shut. The principal argument of the counsel for the accused is that as per the FIR itself, on 12.01.21 the complainant handed over the jewellery to accused Suraj Soni and the said accused is proprietor of M/s S/R Jewellers. However, it is pertinent to note that in his complaint, the complainant has also stated that prior to 12.01.21 he also visited the shop of M/s S.R. Jewellers on 04.01.21 and on that date, sample jewellery was handed over by complainant to Suraj Soni. Importantly, the complainant has alleged that on 04.01.21 the present accused as well as the remaining accused persons had introduced themselves as partners in M/s S.R. Jewellers and all the accused persons had assured the complainant that the jewellery would be returned the next day. Furthermore, on 12.01.21 accused Suraj Soni had approached the complainant again for providing sample jewellery on the ground that the present accused and accused Naveen Verma had some parties who wanted to purchase jewellery but wished to look at the samples before purchasing. The incident of 12.01.21 is intricately connected to the entrustment of jewelery by the complainant on 04.01.21 and is part of the same transaction. Thus, contrary to the submissions of the Id. Counsel for the accused, there are direct allegations against the present accused Rohit Verma. Furthermore, simply because the Io has chosen not to arrest a particular co-accused, the present accused is not entitled to bail. In the present case, investigation is at initial stage and even the case property has not been recovered.

Therefore, keeping in view the above facts and circumstances, bail application is dismissed. Copy of this order be given dasti to the IO. Copy of this order be sent to the Id. Counsel for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

State vs. Yash Verma
FIR No. 140/21
U/s 379/411/34 IPC
PS Krishna Nagar
22.02.2021

Present : Ld. APP for the State.
LAC Mohit Bhardwaj for the accused.

An application for grant of bail u/s 437 Cr.P.C of accused Yash Verma has been forwarded by jail superintendent concerned.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 26.01.2021. Ld. Counsel has further submitted that accused has been falsely implicated in the present case after lifting from his house on a false pretext. Further, he is not a previous convict and has the responsibility of his wife and one minor daughter. Ld. Counsel has also submitted that accused is no more required for the purpose of investigation. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and the accused is a habitual offender

Heard both the parties.

In the present case, the accused is in J/C since 26.01.2021. Case property in the present case has already been recovered. Accused is no more required for investigation. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 10,000/- with one surety in the like amount** subject to the conditions that :-

- 1.The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
- 3.He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to the LAC for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself. Copy of this order be sent to jail superintendent concerned.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

State vs. Unknown
e. FIR No. 021059/2020
PS Shakarpur
22.02.2021

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

The present application for release of vehicle bearing No. **DL-5SCG4044 (scooty)** on Superdari has been filed by the applicant.

Reply has been filed under the signature of ASI Idrish Khan wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.

In view of the no objection of IO, oral arguments of Ld. Counsel for applicant are dispensed with.

The Hon'ble High Court has observed in **Manjit Singh V. State CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as follows:

"Vehicles"

1. 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.
2. 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.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle be released to the **rightful owner only** subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle:
2. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the SHO PS concerned for compliance and also be sent on the Delhi District Courts Website today itself.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

State vs. Unknown
FIR No. 0343/20
PS Krishna Nagar
22.02.2021

Present : Ld. APP for the State.

None for applicant.

The present application for release of vehicle bearing No. **DL-14SH 1194 (passion bike) and helmet on** Superdari has been filed by the applicant.

Reply has been filed under the signature of SI Dhananjay Dubey wherein it is submitted that there is no objection for the release **DL-14SH 1194 (passion bike) and helmet** to the **rightful owner** only.

In view of the no objection of IO, oral arguments of Ld. Counsel for applicant are dispensed with.

The Hon'ble High Court has observed in **Manjit Singh V. State CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as follows:

"Vehicles"

1. 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.
2. 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.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle no. **DL-14SH 1194 (passion bike) and helmet** be released to the **rightful owner only** subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle and helmet:
2. IO shall take the colour photographs of the vehicle and helmet from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the vehicle and helmet valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the SHO PS concerned for compliance and also be sent on the Delhi District Courts Website today itself.


(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

FIR No. 0612/20
PS Krishna Nagar
u/s 356/379 /34 IPC

22.02.2021

Present : Ld. APP for the State.

None for applicant in person.

The present application for release of mobile phone I-Plus on Superdari has been filed by the applicant.

Reply has been filed under the signature of ASI Rajender Kumar, wherein it is submitted that there is no objection for the release of the mobile phone to the **rightful owner**.

In view of the no objection of the IO, oral arguments of Ld. Counsel for applicant are dispensed with.

In these circumstances the aforesaid mobile phone be released to the rightful owner only subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, IMEI number, ownership and other necessary details of the mobile phone:
2. IO shall take the colour photographs of the mobile phone from different angles.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the value / bill / receipt of the mobile phone to the satisfaction of the concerned IO/ SHO subject to verification of documents.

Copy of this order be sent to Ld. Counsel for applicant on his email ID and a copy be also sent to the SHO PS concerned for compliance and the same be uploaded on the Delhi District Courts Website today itself.

(Aakar^uksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

State vs. Mohd. Naseem Hussain
FIR No. 439/20
U/s 379/356/411/34 IPC
PS Krishna Nagar
22.02.2021

Present : Ld. APP for the State.

Id. counsel for the accused

An application for grant of bail u/s 437 Cr.P.C of accused Mohd. Naseem Hussain moved on behalf of the accused.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 01.09.2020. Ld. Counsel has further submitted that accused has been falsely implicated in the present case and another case i.e. FIR No. 317/20 PS Seelampur after lifting him from his house on a false pretext. Further, he is not a previous convict and is a poor person. Furthermore, recovery shown from the accused, if any, has been planted upon him. Ld. Counsel has also submitted that accused is no more required for the purpose of investigation. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and accused can commit similar offence in future.

Heard both the parties.

In the present case, the accused is in J/C since 05.09.2020. As per reply of IO, case property in the present case has already been recovered. Accused is no more required for investigation as chargesheet has also been filed. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 10,000/- with one surety in the like amount** subject to the conditions that :-

- 1.The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
- 3.He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to the Id. Counsel for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

State vs. Yash Verma
FIR No. 1645/21
PS Krishna Nagar
U/s 379/411/34 IPC
22.02.2021

Present : Ld. APP for the State.

LAC Mohit Bhardwaj for the accused.

An application for grant of bail u/s 437 Cr.P.C of accused Yash Verma has been forwarded by jail superintendent concerned.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 26.01.2021. Ld. Counsel has further submitted that accused has been falsely implicated in the present case after lifting from his house on a false pretext. Further, he is not a previous convict and has the responsibility of his wife and one minor daughter. Ld. Counsel has also submitted that accused is no more required for the purpose of investigation. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and the accused is a habitual offender

Heard both the parties.

In the present case, the accused is in J/C since 26.01.2021. Case property in the present case has already been recovered. Accused is no more required for investigation. Further, the aspect of de-congestion of jails in light of Covid- 19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 10,000/- with one surety in the like amount** subject to the conditions that :-

- 1.The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
- 3.He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to the LAC for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself. Copy of this order be sent to jail superintendent concerned.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

FIR No. 36/21
PS shakarpur
U/s 457/380/411/34 IPC
State vs. Afroz
22.02.2021

Present : Ld. APP for the State.

Ld. Counsel for accused.

Bail application perused. Reply of the bail application is on record. Same is perused.

Ld. Counsel for the accused submits that the accused has been falsely implicated. Further, he belongs to a poor family and is the sole bread earner of his family. Further, he is not a previous convict and is a very young person aged 26 years. Further, recovery shown from the accused, if any, has been planted upon him. Ld. Counsel also submitted that the accused was arrested by the police while he was on his way to Bihar from Anand Railway Station and he was carrying an amount of Rs. 8000/- out of which Rs. 5000/- was shown as recovery in the present case. Ld. Counsel also submitted that the mother of the accused is senior citizen and extremely ill and there is no one to look after her. Further, the accused is in JC since 31.01.2021 and investigation has been completed and hence accused may be enlarged on bail.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature. Further, the accused was apprehended at the spot itself by the complainant himself. Ld. APP for the State also submitted that accused is a habitual offender as per reply filed by the IO and accused can commit similar offence in future.

Heard both the parties.

I have perused the reply of the IO as well as the contents of the FIR. The offences alleged are serious in nature. The FIR shows that the present accused was apprehended at the spot itself by the public and part of the case property was recovered from him. Furthermore, investigation is at initial stage. Further, although the counsel for the accused has averred that he was arrested while he was on his way to Bihar there is nothing to support this averment. Furthermore, co-accused is yet to be apprehended and remaining case property is yet to be recovered. Therefore, keeping in view the nature of allegations, the bail application is dismissed.

Copy of this order be sent to the Id. Counsel for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

e. FIR No. 037578/2019
PS Krishna Nagar
U/s 379 IPC
22.02.2021

Present : Ld. APP for the State.

Ld. Counsel for the applicant.

The present application for release of vehicle bearing No. **DL-6SAW-1915 (scooty Activa)** on Superdari has been filed by the applicant.

Reply has been filed under the signature of HC Adesh Kumar wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.

The Hon'ble High Court has observed in **Manjit Singh V. State CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as follows:

"Vehicles"

1. 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.
2. 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.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle be released to the **rightful owner only** subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle:
2. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Applicant is also at liberty to sell the vehicle in question.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the SHO PS concerned for compliance and also be sent on the Delhi District Courts Website today itself.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/22.02.2021

Copy of order
received
Siddhant
21/2/2021

State vs. Unknown
e. FIR No. 002824/21
PS Krishna Nagar
22.02.2021

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

The present application for release of vehicle bearing No. **DL-7SBT-9920 (motorcycle)** on Superdari has been filed by the applicant.

Reply has been filed under the signature of HC Hansraj wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.

In view of the no objection of IO, oral arguments of Ld. Counsel for applicant are dispensed with.

The Hon'ble High Court has observed in **Manjit Singh V. State CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as follows:

"Vehicles"

1. 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.
2. 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.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle be released to the **rightful owner only** subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle:
2. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the SHO PS concerned for compliance and also be sent on the Delhi District Courts Website today itself.

order copy
Secured
Majhi Adv

(Aakanksha Vyas)
MM -05(East) KKD Court
Delhi/22.02.2021