

22.01.2021

This is an application to release mobile phone I-Phone 7 Plus, IMEI no. 359216072259756 on superdari moved on behalf of applicant Anuj Kumar Goswami s/o Sh. Pawan Kumar Goswami.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the mobile is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

**Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State'** has laid down detailed guidelines for disposal of the case properties. In respect of release of mobile, Hon'ble Court has laid down following guidelines:

*"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 and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith he valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".*

In the facts and circumstances of the case, **mobile phone I-Phone 7 Plus, IMEI no. 359216072259756 is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above mobile is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
22.01.2021

22.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused **Aman Gupta s/o**

**Anil Gupta.**

Present: Ld. APP for the state.  
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 08.01.2021 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature. It is further stated that one live cartridge was recovered from the possession of accused and accused was shown in CCTV. It is further stated that investigation of the case is still pending and is at its initial stage. It is further stated by the IO that 307 IPC is already added in the present case. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments through VC and perused the record.

Be that as it may, allegations against the accused are serious in nature. Further investigation of the case is still pending and is at its initial stage. Furthermore, very serious offence of the section invoked in the FIR i.e. sec 307 IPC is triable by court of session. In the case title **Prahlad Singh Bhati Vs. NCT of Delhi Appeal (Crl)** 324 of 2001, Hon'ble Supreme Court has observed:

*"Even though there is no legal bar for a Magistrate to consider an application for grant of bail to a person who is arrested for an offence exclusively triable by Court of Sessions yet it would be appropriate that in such a case Magistrate directs the accused person to approach the Court of Session for the purpose of getting the relief of bail".*

In view of the same, In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused **Aman Gupta s/o Anil Gupta** stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
22.01.2021

22.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Mohd. Niyamat s/o Mohd. Usaid.

Present: Ld. APP for the state.  
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 19.11.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that investigation is completed and charge-sheet has been already filed in the present case. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature, as accused along with co-accused robbed the complainant of his vehicle. It is further stated that accused has refused to join TIP proceedings. It is further stated that charge-sheet has already been filed in the present case. It is further stated that accused has involvement in 02 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature. Further, mere filing of charge-sheet does not entitle the accused to be released on bail. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused Mohd. Niyamat s/o Mohd. Usaid stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
22.01.2021

22.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Mohd. Niyamat s/o Mohd. Usaid.

Present: Ld. APP for the state.  
Counsel for Applicant (through Webex).

This is the third bail application of accused. First bail application of accused was dismissed by this court on 02.12.2021 and second bail application of accused was dismissed by Ld. Sessions Court.

It is stated that accused is in JC since 18.11.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that investigation is completed and charge-sheet has been already filed in the present case. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature, as accused along with co-accused robbed the complainant of his money and accused was arrested by PS Madhu Vihar in FIR no. 344/20 wherein accused disclosed the involvement in the present case. It is further stated that accused has refused to join TIP proceedings. It is further stated that accused has involvement in 02 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature as accused robbed the complainant of his money along with co-accused. Further, accused has refused to join TIP proceedings. Further, accused has involvement of offences of similar nature. Further, mere filing of charge-sheet does not entitle the accused to be released on bail. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused Mohd. Niyamat @ Nematullah s/o Mohd. Usaid stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
22.01.2021

22.01.2021

**Matter heard through Cisco Webex Application (Video Conferencing).**

Present order shall dispose off the bail application of accused Gaurav Kumar s/o Sh. Dinesh Kumar.

Present: Ld. APP for the state.  
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 26.12.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature. It is further stated that accused was arrested in FIR no. 330/20, PS Jagatpuri and stolen vehicle and knife was recovered from the possession of accused. It is further stated that accused has involvement in 06 other cases and a habitual offender.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature. Further, Furthermore, accused has involvement in 06 other case of similar nature and a habitual offender. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail is made out. In view of same, bail application of accused Gaurav Kumar s/o Sh. Dinesh Kumar stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
22.01.2021