

FIR No.034613/19

Applicant: Ashif @ Ashique

24.08.2020

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

Vide this order, I shall dispose of the application moved by accused Ashif @ Ashique bail.

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the present matter is taken up for hearing through video conferencing.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard.

It is submitted that accused was falsely implicated in this case and that he is in JC since 02.08.2020. It is further submitted that recovery has already been effected in the matter. It is prayed that accused is a young boy of 18 years and is the only bread earner of his family. It is submitted that accused is ready to abide by all terms and conditions imposed upon him, if he is granted bail.

On the other hand, the application has been vehemently opposed by Ld. APP for the state stating that accused may tamper or hamper the evidence >



and may jump the bail.

Considering the fact that accused in JC since 02.08.2020 and that recovery has been effected, no useful purpose would be served to keep him behind the bar.

Hence, unless required in any other case, accused Ashif @ Ashique is admitted to bail on furnishing personal bond and two surety bonds (local sureties) in sum of Rs. 20,000/-each subject to the following conditions:

1. That he shall not indulge in commission of any similar or other offence upon his release;
2. That he shall not tamper with the evidence in any manner;
3. That he shall not make any inducement, threat or promise to any witness(es) involved in case;
4. That he shall furnish his complete residential address and intimate the Court if and when there is any change thereto;
5. That he shall appear before the Court/IO if and when called upon.

Copy of this order be sent to the Jail Superintendent concerned through dispatch rider deputed in this court by the Jail Authority for information and compliance. The application stands disposed of.

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

( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/24.08.2020

FIR No.284/20

PS. Laxmi Nagar

**Applicant: Anuj**

24.08.2020

Present: Ld. APP for the State (through video conferencing).

Sh. Ashish Kumar, Ld. Counsel for accused/applicant Anuj  
(through video conferencing).

IO Madhvi Bisht alongwith complainant (through video  
conferencing).

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

In view of the directions contained in the Office Order  
No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020  
Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no.  
5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions  
Judge, East, the present matter is taken up for hearing through video  
conferencing.

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 08.08.2020. It is  
further stated that accused has no previous involvement and that accused is  
ready to abide by all terms and condition to be imposed upon him, if he is  
granted bail.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line extending to the right.

On the other hand, the application has been vehemently opposed by Ld. APP for the state submitting that the offence is very serious and that accused may tamper or hamper the evidence and may 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 allegations against the applicant/accused are grave and serious and 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 Anuj 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/24.08.2020

FIR No.010074/20  
PS.Laxmi Nagar  
24.08.2020

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-5SAS-0410 on superdari.

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the present matter is taken up for hearing through video conferencing.

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-5SAS-0410 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-5SAS-0410 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/24.08.2020

E. FIR No.002294/19

PS. Laxmi Nagar

24.08.2020

Present: Sh. Rajiv Sharma, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of mobile phone make Samsung S10, IMEI No. 355332100938081.

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, the present application is taken up for hearing through video conferencing.

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 mobile phone is not required by the police.

I have heard the applicant. Perused the record.

As per the directions of the **Hon'ble High Court of Delhi in Manjit Singh vs. State in Crl MC No. 4485/13 dated 10.09.2014** , case property may be released to the rightful owner after preparing detailed panchnama, taking photographs, valuation report and a security bond. Further, production of mobile should not be insisted upon during trial and its photographs along with panchnama should suffice for the purpose of evidence.

In view of above IO/SHO is directed to release the mobile phone make Samsung S10, IMEI No. 355332100938081 to the applicant/owner on



furnishing security / indemnity bond as per valuation of mobile phone make Samsung S10, IMEI No. 355332100938081. Valuation shall be done prior to releasing the mobile phone to the applicant. A detailed panchnama shall be prepared after taking photographs of the mobile phone from all angles and the same shall be attested/countersigned by complainant as well as accused. The cost of photographs shall be borne by the applicant. Panchnama along with photographs and indemnity bond shall be filed in the court along with charge-sheet.

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

  
( RENU CHAUDHARY )  
MM-04/East/KKD/Delhi/24.08.2020



FIR No.282/20

PS YDM

24.08.2020

Present: Ld. APP for the State (through video conferencing).  
Sh. Pramod Kumar, Ld. Counsel for applicant (through video conferencing).  
IO Virender Yadav (through video conferencing).

Report filed by the IO. Same is perused. As per reply, accused has not claimed the cash of Rs.33,820/- recovered in this case and has no objection if the same is released to its rightful claimant. Statement of the accused to that effect is taken by the IO and annexed with the reply.

Heard and perused.

In view of the same, the present application is allowed. Hence the recovered amount i.e. Rs.33,820/- (thirty three thousand eight hundred twenty rupees) be released to the rightful owner after due verification and upon furnishing security / indemnity bond of the said amount.

For the purpose of identification of the case property, IO is further directed to take coloured photographs and photocopies of the currency notes from both sides and the same shall be attested/countersigned by complainant as well as accused. The cost of photographs shall be borne by the applicant. Photographs and negative/CD be saved on record in documentary as well as electronic form and the same shall be filed in the court along with charge-sheet.

Application is disposed of accordingly.

Copy of this order be given dasti or sent to Ld. Counsel for applicant through electronic mode.

  
( RENU CHAUDHARY)

MM-04/East/KKD/Delhi/24.08.2020