

State vs. Mohd. Zahid @ Mohd. Jahid
FIR No. 272/2019
PS Krishna Nagar
U/s 356/379/34 IPC
24.02.2021

Present : Ld. APP for the State.

Sh. Firoz Iqbal Khan and Mohd. Faizan, Ld. Counsels for accused Mohd.

Zahid.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 24.11.2019. Ld. Counsel has further submitted that accused has been falsely implicated in the present case as well as various other FIRs. He is well settled in society and resides in Delhi. Further, the Id. Counsel also submitted that the IO has shown previous involvement of the accused in 19 FIRs whereas the accused already stands discharged in majority of the cases. In support of this last submission, the Id. Counsel for the accused has relied upon various documents annexed with the bail application, in particular the Id. Counsel for the accused has relied upon the reply filed by the concerned IO before the Ld. ASJ Sh. Kuldeep Narayan as well as the status report filed by concerned SHO PS Gandhi Nagar before the Hon'ble High Court of Delhi. Furthermore, the Id. Counsel also submitted that no bail application on behalf of the accused qua the present case is pending before the Id. Sessions Court or before the Hon'ble High Court of Delhi. 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 as per reply of IO, accused is a habitual offender. Furthermore, even the stolen case property of the present case was not recovered.

Heard both the parties.

In the present case, the reply of the IO shows that the accused is in J/C in the present case since 27.11.2019. Further, chargesheet has already been filed in the court. Thus investigation has already been completed and trial is likely to take time. 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. Accused shall not indulge in similar offence as that of which he is the accused.
2. 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/24.02.2021

State vs. Mohd. Zahid @ Mohd. Jahid
FIR No. 372/2019
PS Krishna Nagar
U/s 356/379/34 IPC
24.02.2021

Present : Ld. APP for the State.

Sh. Firoz Iqbal Khan and Mohd. Faizan, Ld. Counsels for accused Mohd.

Zahid.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 24.11.2019. Ld. Counsel has further submitted that accused has been falsely implicated in the present case as well as various other FIRs. He is well settled in society and resides in Delhi. Further, the Id. Counsel also submitted that the IO has shown previous involvement of the accused in 19 FIRs whereas the accused already stands discharged in majority of the cases. In support of this last submission, the Id. Counsel for the accused has relied upon various documents annexed with the bail application, in particular the Id. Counsel for the accused has relied upon the reply filed by the concerned IO before the Ld. ASJ Sh. Kuldeep Narayan as well as the status report filed by concerned SHO PS Gandhi Nagar before the Hon'ble High Court of Delhi. Furthermore, the Id. Counsel also submitted that no bail application on behalf of the accused qua the present case is pending before the Id. Sessions Court or before the Hon'ble High Court of Delhi. 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 as per reply of IO, accused is a habitual offender. Furthermore, even the stolen case property of the present case was not recovered.

Heard both the parties.

In the present case, the reply of the IO shows that the accused is in J/C in the present case since 27.11.2019. Further, chargesheet has already been filed in the court. Thus investigation has already been completed and trial is likely to take time. 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. Accused shall not indulge in similar offence as that of which he is the accused.
2. 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/24.02.2021

FIR No. 417/11
PS Krishna Nagar
U/s 379 IPC

24.02.2021

Present : Ld. APP for the State.

None for applicant.

The present application for release of vehicle bearing No. **DL 7SBL3970 (Pulsar Red Colour)** on Superdari has been filed by the applicant.

Reply has been filed under the signature of HC Vivek Bana 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/24.02.2021

FIR No. 549/20
PS Krishna Nagar
State vs. Mithun Rajora
U/s380/427/411/34 IPC

24.02.2021

Present : Ld. APP for the State.

None for the applicant.

The present application for release of articles (**Chawkhat Doors**) on Superdari has been filed by the applicant.

Reply has been filed under the signature of HC Satish Chand wherein it is submitted that there is no objection for release of articles to the rightful owner.

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

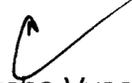
The Hon'ble High Court has observed in **Manjit Singh V. State CRL. M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as follows:

1. Release of articles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the articles; valuation report; and a security bond.
2. The photographs of the articles 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 articles should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should sufficient for the purpose of evidence.
4. Return of articles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid articles i.e. **Chowkhat Doors** be released to the rightful owner subject to satisfaction of the IO/ SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, make and other necessary details of the articles:
2. IO shall take the colour photographs of the articles from different angles.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner.
4. IO shall get the articles valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond/ indemnity bond of appropriate value from the applicant, taking into consideration the valuation report.

Copy of this order be sent to the Id. counsel for the applicant on his email ID and a copy be also sent to the SHO PS concerned for compliance.


(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/24.02.2021

State vs. Bhavesh Kumar
FIR No. 53/2021
PS PIA
U/s 33 Ex.Act
24.02.2021

Present : Ld. APP for the State.

Sh. Atul Mishra, Ld. Counsel for accused.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused Bhavesh Kumar.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 14.02.2021. Ld. Counsel has further submitted that accused has been falsely implicated in the present case. Further, recovery shown from the accused, if any, has been planted upon him. He is not a previous convict. 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 he can commit similar offence in future.

Heard both the parties.

In the present case, the accused is in J/C since 14.02.2021. Case property in the present case has already been recovered. As per reply of IO, accused has no previous involvement in any offence and investigation has been completed. 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. 5,000/- 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/24.02.2021

State vs. Unknown
e. FIR No. 20731/19
PS PIA
U/s 379 IPC

24.02.2021

Present : Ld. APP for the State.

None for applicant.

The present application for release of vehicle bearing No. **DL-8SBW 3952 (Scooty)** on Superdari has been filed by the applicant.

Reply has been filed under the signature of ASI Ramesh Pal Singh 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/24.02.2021

State vs. Nishant
PS PIA
FIR No. 37/2021
U/s 379/411/34 IPC

24.02.2021

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

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

Bail application perused. Reply filed by IO also perused.

Ld. LAC for the accused has submitted that accused is in JC since 31.01.2021. Ld. LAC has further submitted that accused has been falsely implicated in the present case. He is not a previous convict and he is a sole bread earner of his family. 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. As per reply of IO, the accused along with stolen case property was arrested on the spot itself.

Heard both the parties.

In the present case, the accused is in J/C since 31.01.2021. Case property in the present case has already been recovered. Further, no criminal involvement of accused in any other case has been disclosed by the IO. As per reply of IO, 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. 5,000/- 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. 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 also sent to jail superintendent concerned for information to the accused.

(Aakanksha Vyas)

MM -05(East) KKD Court
Delhi/24.02.2021