

State vs. Ashok Singh
FIR No. 83/21
PS Kalyan Puri
u/s 406/506/34 IPC

25/02/2021

Present- Ld. PP for the State through video conferencing.
Ld. counsel for the accused through video conferencing.

This bail application filed u/s 437 Cr. PC for grant of bail to the accused Ashok Singh.

Reply filed by IO also perused.

It is submitted by Ld. counsel for the accused that accused has been falsely implicated in the present case. Further, FIR itself shows that accused was just an employee in the SR jewellers, which is owned by main accused Suraj Soni. The Copy of the appointment letter of the accused is annexed with the bail application. The Ld. counsel further submitted that FIR shows that there is no specific allegation against the present accused that he asked the complainant to hand over any jewellery or any jewellery was handed over by the complainant to him. On the contrary, the FIR shows that the complainant has specifically alleged that jewellery was asked for and taken by the main accused Suraj Soni. Ld. counsel for the accused also submitted that the present matter has arisen out of a civil dispute as SR Jewellery had issued a cheque of Rs. 25 Lacs to the complainant in respect of jewellery in question. In support of the submission Ld. counsel for accused has annexed copy of the bank statement. Ld. counsel for the accused also submitted that the accused is in custody since 11/02/2021 and he has no criminal antecedents and nothing has been recovered from him. Ld. counsel for the accused also submitted that the accused has a heart ailment. The Ld. counsel also submitted that accused is well settled in society and he is ready to furnish sound surety. It is further submitted by Ld. counsel that IO is working under the influence of complainant and even the present FIR is registered without permission of the concerned DCP.

Ld. APP for the State has opposed the bail application of the accused



stating that the allegations are serious in nature. Further, accused has been named in the FIR and specific allegations have been made against him as well by the complainant. Further, investigation is at initial stage and even the case property has not been fully recovered.

Heard both the parties. I have carefully perused the file and given due consideration to the submissions made before me.

The principal contention of Ld. counsel for the accused is that the present accused Ashok was only an employee in SR Jewellers and there is no specific allegation of complainant against him to the effect that he asked for jewellery from the complainant or the complainant entrusted any jewellery to him. However, upon the perusal of FIR, I find that a specific allegation has been made against the present accused. It is pertinent to mention that the complainant has specifically alleged that on 04/01/2021 when he went to the SR Jewellers he met all the accused persons there including the present accused and all the accused persons introduced themselves as partners of accused Suraj Soni. Further, complainant has also specifically alleged that all the accused persons including the present accused requested the complainant several times to allow them to keep the jewellery of complainant for one day so that the same could be shown to parties and also assured the complainant that the jewellery would be returned next week. Although, the jewellery in question with respect to which breach of trust has been alleged to have been committed, was entrusted by complainant on 12/01/2021, the incident of 04/01/2021 prima facie is part of the same transaction whereby the complainant was induced to part with jewellery on the pretext that same would be returned to him. Today, on the direction of the court, the IO also furnished certain clarifications. On specific query, the IO submitted that the present accused as well as accused Suraj Soni were arrested together at the BKC Complex, Mumbai. The fact that present accused as well as co-accused Suraj Soni have been arrested from the same place also shows their connivance with each other and negatives the contention of Ld. counsel for the accused that the present accused was just an employee having no concern with co-accused persons Further more, the IO also informed the court that the present accused was not served with the notice u/s 41.1A Cr. PC as his address was not available and his address was not even furnished by the complainant and the present accused was arrested on the basis of his location from CDRs. Investigation is undoubtedly at a very initial stage. Further, case property



has not yet been recovered. Therefore, keeping in view the gravity of allegations and the facts and circumstances, the present bail application is dismissed

Accordingly, bail application disposed off. Copy of this order be sent to the Ld. 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 Courts
25.02.2021

State vs. Noor Mohd
FIR No. 17/21
PS PIA
u/s 279/338 IPC

25/02/2021

Present- Ld. PP for the State through video conferencing.
None for applicant
The present application for release of vehicle bearing No. **DL-1RU-0985** on Superdari has been filed by the applicant.
Reply has been filed under the signature of SI Ravinder Kumar wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.
Heard.
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** 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 given dasti to the applicant and be also sent to the SHO PS concerned for compliance.

(Aakanksha Vyas)
MM-05 (East)/KKD Courts
25.02.2021