

IN THE COURT OF ACMM-EAST KKD DELHI

State vs. Unknown
E. FIR No. 003268/2020
PS New Ashok Nagar

25.11.2020

An application u/s 451 Cr.P.C for releasing the vehicle bearing registration no. DL-14-SJ-5527 on superdari.

Present: Ld. APP for the State.
Sh. Vijender Kumar Singh, Id. counsel for the
applicant.

Proceedings are conducted through VC.

Submission heard. Reply of IO perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of **Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that :

"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.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. *If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.*

73. *If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”*

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, seized vehicle bearing registration no. **DL-14-SJ-5527** be released to the **Authorized Representative of the ICICI Lombard GIC Ltd after due identity verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the machine and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant.

Order be uploaded on the server.

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Date: 2020.11.25
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(PANKAJ ARORA)
ACMM (EAST)/KKD/25.11.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

**State vs. Gul Mohammad
FIR no. 1499/2020
PS Preet Vihar
U/s 379/411/34 IPC**

25.11.2020

Through Video Conferencing

**Application u/s 437 Cr.P.C for grant of bail moved on behalf of
the above-said accused.**

Present: Ld. APP for the State.

Sh. Fakruddin, Id. Counsel for the
applicant/accused.

Reply to the application received.

Submissions heard. Reply perused.

As per the reply received, the applicant/accused has
already been discharged vide order dated 09.11.2020 by Id. Duty
M.M.

Accordingly, present bail application is hereby
dismissed being infructuous.

Copy of this order be given dasti.

Order be uploaded on server.

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(PANKAJ ARORA)

ACMM (EAST)/KKD/25.11.2020

IN THE COURT OF ACMM -EAST KKD DELHI

State vs. Awdesh Kumar Mishra
FIR No: 836/2014
PS New Ashok Nagar
U/s 25/54/59 Arms Act

25.11.2020

A bail application under Section 437 Cr.P.C. through Video Conferencing.

Present: Ld. APP for the State.

Sh. V.K. Singh, Id. Counsel for the applicant/

accused.

HC R.B. Tomar, from PS New Ashok Nagar.

Reply is received from the IO.

Accused is stated to be in JC.

Submissions on bail application heard.

Reply of IO perused.

It is stated by learned counsel for accused/applicant that the accused has been falsely implicated in the present case and he is in custody since 17.11.2020. It has been argued that the investigation in the matter has already been completed and no fruitful purpose would be served by keeping the accused/applicant in J/C. Nothing has been recovered from his possession and the alleged recovery has been planted upon the accused. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP opposed the bail application stating that the accused has already been declared as PO and he can jump the bail.

I have heard the submissions and perused the record.

The accused has already suffered incarceration in J.C for a period more than one week. He was previously on bail in the matter. Investigation in the matter has already been completed and

his custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID-19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant is hereby granted bail on furnishing bail bond in the sum of Rs. 15,000/- with one surety of like amount and subject to verification of address of accused as well as his surety, with the following directions :

1. He shall not change his address without intimation to the Court.

2. He will not try to influence the witnesses.

3. He will not leave the country without prior permission of the court.

4. He will not involve in similar type of offences after releasing on bail. If he is found indulge in similar such type of offences in future, State shall be at liberty to move an application for cancellation of his bail.

With above directions, bail application of accused stands disposed of.

Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy of this order be given dasti.

Order be uploaded on the server.

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ARORA PANKAJ ARORA
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(PANKAJ ARORA)
ACMM (EAST)/KKD/25.11.2020