

Physical Hearing Day

State vs. Rohit Verma

FIR No. 89/2021
PS: Krishna Nagar
U/sec. 406/506/34 IPC

26.08.2021

Present: Leraned APP for the State
Learned counsel for the accused/applicant
IO in person with case file

Vide this order, I shall decide the application filed on behalf of accused ***Rohit Verma*** seeking regular bail.

It is submitted by the learned counsel for the applicant that accused that he is on interim bail; has not misused the liberty granted by the learned ASJ-06; co-accused persons have been granted regular bail. He therefore, prayed that accused may be granted regular bail.

He further submitted that the accused has clean antecedents and has done nothing wrong and if he is again sent behind the bars, not only he but his family would also suffer.

He further submitted that no person can be punished before conclusion of the trial. Reliance is placed on the judgment passed by Hon'ble Supreme Court of India in the case of ***Sanjay Chandra Vs. Central Bureau of Investigation (2012)1 SCC 40*** to contend that every man is deemed to be innocent until duly



tried or duly found guilty and that refusal of bail is restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution of India.

Bail application is vehemently opposed by the learned APP for the State.

On being asked, it is stated by the IO that there were three accused persons and one of the accused persons namely *Ashok Singh* has been granted regular by the learned Sessions Judge, however, his role is different.

Perusal of the record reveals that interim bail for 90 days was granted by the learned ASJ-06, East District. KKD Courts vide order dated 16.03.2021. Co-accused Ashok Singh is also on regular bail. Further, there is nothing on record to suggest that he is a previous convict or offender. Therefore, without commenting on the merits of the case, keeping in view the overall conspectus of the case particularly the fact that accused has not misused the liberty granted by the learned Sessions Court and that he is first time offender, I deem it fit to admit the accused **ROHIT VERMA** on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one sound surety in the like amount on the following conditions:-

a) that the surety shall be local surety; and

b) that the accused shall not directly or indirectly make any inducement or threat to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the court or to any police officer.

c) that after filing of charge sheet in the court, the accused shall remain present before the court on each and every date fixed for hearing of the case. If he wants to remain absent, then he shall take prior permission of the court and in case of unavoidable circumstances for remaining absent, he shall immediately give intimation to the court and request that he may be permitted to be represented through counsel and he will not dispute the identity of the accused in the case.

d) that the accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission of which he is suspect.

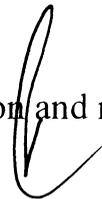
It is made clear that in case of breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

Observation, if any, made while disposing of the present application shall have no bearing whatsoever on the merits of the case.

The applications stands disposed of accordingly.

Copy of the order be sent to the Jail Superintendent for information and record.

Copy dasti to the IO.



(Babita Puniya)

MM-05, East District

KKD Courts, Delhi/26.08.2021

FIR No. 89/2021

State vs. Nishant Chaudhary
FIR No. 344/21
PS Shakarpur
U/s 33 D. Ex.Act

26.08.2021

This is an application for release of the articles on jamatalashi to the applicant/accused.

Present: Learned APP for the State.

None for applicant.

Application perused.

I have also perused the reply filed by the IO ASI Gabbar Singh. In view of the reply of IO, let jamatalashi articles of the applicant/accused be released as per personal search memo, if the same are not required for investigation. The application stands disposed off accordingly.

Copy of this order be sent to SHO PS concerned and copy of this order be given dasti to the Id. Counsel for the applicant and the same be uploaded to the Delhi District Courts Website today itself.

(Babita Puniya)
MM-5, (East) KKD Court/
Delhi/26.08.2021

State vs. Unknown
FIR No. 019107/21
PS Shakarpur
U/s 379/411 IPC

26.08.2021

Present: Learned APP for the State.
Ld. counsel for the applicant.

The present application for release of vehicle bearing No. **BR06BF 4913 (Honda Shine SP) blue colour on Superdari** has been filed by the applicant.

Reply has been filed under the signature of ASI Idrish Khan wherein it is submitted that there is no objection for the release of vehicle to the **rightful owner** only.

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:

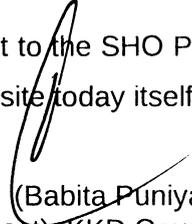
"Vehicles"

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 (after verification of ownership)** 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 (after verification of ownership).
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.


(Babita Puniya)
MM-5, (East) KKD Court/
Delhi/26.08.2021

State vs. Kanhaiya Gupta
FIR No. 218/21
PS PIA
U/s 394/34 IPC

26.08.2021

This is an application calling status report from the SHO/IO concerned.

Present: Learned APP for the State.

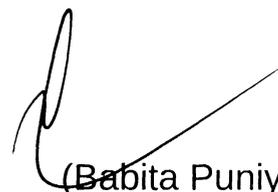
None for applicant.

Application perused.

Status report received. Copy be supplied to the applicant/ Id. counsel upon appearance.

Application stands disposed off.

Copy dasti. Order be uploaded to the website of Delhi District Court today itself.



(Babita Puniya)
MM-5, (East) KKD Court/
Delhi/26.08.2021

State vs. Mohd. Sahil Khan
e. FIR No. 020752/21
PS Shakarpur
U/s 379/411 IPC

26.08.2021

This is an application seeking regular bail of the accused Md. Sahil Khan.

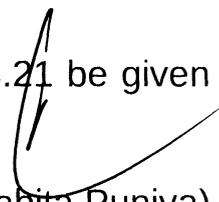
Present: Learned APP for the State.

Ld. LAC for the accused.

Application perused.

It is seen from the record that the bail application moved on behalf of the accused Md. Sahil has already been disposed off as allowed vide order dated 24.08.2021 of this Court. Hence, the present application stands infructuous.

Copy of this order as well as order dated 24.08.21 be given to the ld. LAC of the accused.


(Babita Puniya)
MM-5, (East) KKD Court/
Delhi/26.08.2021

State vs. Unknown
FIR No.022096/21
PS Krishna Nagar
U/s 379 IPC

26.08.2021

Present: Learned APP for the State.

None for applicant.

The present application for release of vehicle bearing No. **DL-13SN-6265** 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.

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 (after verification of ownership)** 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 (after verification of ownership).
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.

(Babita Puniya)

MM-5, (East) KKD Court/
Delhi/26.08.2021