

**IN THE COURT OF ACMM -EAST KKD DELHI**

**State vs. Sanjay Kumar**  
**FIR No: 022100/2020**  
**PS Preet Vihar**  
**U/s 379/411 IPC**

**26.11.2020**

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

Present: Ld. APP for the State.  
Sh. Lalit Kumar, Id. Counsel for the applicant/ accused.  
IO SI Abodh Kumar, from PS Preet Vihar.  
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 13.11.2020. It has been argued that accused has purchased the vehicle in question from someone. It is further submitted 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 submitted that appropriate order as per law may be passed.

I have heard the submissions and perused the record.

The accused has already suffered incarceration in J.C since 13.11.2020. 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.

**PANKAJ** Digitally signed by  
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**(PANKAJ ARORA)**  
**ACMM (EAST)/KKD/26.11.2020**

**IN THE COURT OF ACMM -EAST KKD DELHI**

**State vs. Hemant @ Bugga**  
**FIR No: 146/2020**  
**PS Preet Vihar**  
**U/s 379/356/34 IPC**

**26.11.2020**

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

Present: Ld. APP for the State.

Sh. Devendra Kumar, Id. Counsel for the applicant/accused.

IO SI Abodh Kumar, from PS Preet Vihar.

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 05.09.2020. 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.

Bail application is not opposed by Ld. APP for state.

I have heard the submissions and perused the record.

The accused is stated to be in J.C since 05.09.2020 in the present case. Charge sheet has not been filed within the statutory period of 60 days as prescribed u/s 167 (2) Cr.P.C. Hence, the accused is entitled for grant of statutory bail. Hence, the accused/applicant is hereby granted bail on furnishing bail bond in the sum of Rs. 20,000/- 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 as well sent to DCP concerned for

necessary information as regards conduct of IO and compliance report be filed by 1.12.2020

Copy of this order be given dasti.

Order be uploaded on the server.

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**(PANKAJ ARORA)**  
**ACMM (EAST)/KKD/26.11.2020**

IN THE COURT OF ACMM -EAST KKD DELHI

State vs. Unknown  
FIR No: 000622/2020  
PS New Ashok Nagar

26.11.2020

An application for release of mobile phone on superdari.

Pr.: Ld. APP for the State.

Ms. Asha Gupta, Id. Counsel for the applicant

Submissions heard.

Proceedings are conducted through VC.

Submission heard. Reply of IO perused.

Instead of releasing the mobile 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 :

*“Vehicle 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, mobile phone in question be released to the **owner as per invoice after due identity and IMEI No. verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the mobile. After preparation of panchnama of the machine and furnishing of security bond as per directions of Hon'ble Supreme Court, the mobile 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.

PANKAJ  
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(PANKAJ ARORA)  
ACMM (EAST)/KKD/26.11.2020

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