

FIR No.44597/19

PS. Laxmi Nagar

Applicant: Rahul

30.07.2020

Present: Ld. APP for the State (through video conferencing).

Sh. S. K. Tiwari, Ld. Counsel for accused/applicant Rahul
(through video conferencing).

Vide this order, I shall dispose of the application moved by accused
Rahul, seeking bail.

In view of the order passed by Ld. District & Sessions Judge, East
District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic,
the bail application has been placed before the undersigned to be heard
through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the State and Ld. counsel for the
applicant for a conference call scheduled for 11.15 a.m today.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the
parties.

It is submitted by Ld. Counsel for the accused that accused has been
falsely implicated in the present case and he is in JC since 06.07.2020. It is
further stated that investigation has been completed and case property has
already been recovered and that accused is ready to abide by all terms and
condition to be imposed upon him, if he is granted bail.

44597/19

On the other hand, the application has been vehemently opposed by Ld. APP for the state stating that accused is a habitual offender and as per the previous conviction report filed by the IO, he is involved in 17 other criminal cases in similar nature. He further stated that accused may tamper or hamper the evidence and jump the bail.

The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, accused was involved in other criminal activities of similar nature and the allegations against the applicant/accused are grave and serious. Moreover, the investigation is at initial stage, therefore, there is every likelihood that the accused may temper with the prosecution's evidence if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused. Accordingly, the present bail application of the applicant/accused Rahul is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

RENU CHAUDHARY Digitally signed by RENU CHAUDHARY
Date: 2020.07.30 15:31:54 +05'30'

(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/30.07.2020

30.07.2020

Present: Sh. Ravinder Kumar, Ld. Counsel for applicant (through video conferencing).

Link was sent to Ld. counsel for the applicant for a conference call scheduled for 11.45 a.m today.

Ld. Counsel for applicant has filed authority letter alongwith copy of Aadhar Card of Aman Jain (registered owner) in favour of applicant for releasing the said vehicle on superdari.

Heard on the application for releasing the vehicle i.e. DL-6SAQ-7407 to the applicant/owner. Photocopy of RC of the vehicle and the insurance papers of the vehicle in question in the name of the applicant/owner have been filed. Considering the same, in view of the judgment of **Hon'ble High Court of Delhi titled as "Manjit Singh vs. State in Criminal MC No. 4485/13 dated 10.09.2014** , the said vehicle in question is released to the registered owner subject to following conditions:-

1. IO is directed to release the vehicle to the register owner after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the complainant, accused as well as by the person to whom the custody is handed over.
3. Applicant/owner is directed to furnish indemnity bond as per valuation of vehicle bearing no. DL-6SAQ-7407 before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the applicant/owner, his identity proof and address proof and shall release the vehicle after verifying the ownership of the

15075/20

applicant/owner and insurance of the vehicle.

5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.

6. In case of applicant/owner changing his address, he shall inform the IO regarding the same vide a written intimation.

7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Ld. Counsel for applicant or applicant through electronic mode.

RENU

CHAUDHARY

Digitally signed by
RENU CHAUDHARY
Date: 2020.07.30
15:27:58 +05'30'

(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/30.07.2020

30.07.2020

Present: Sh. Naresh Kumar, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant praying for the correction of typographical error in the superdari order dated 20.07.2020.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the abovesaid application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. counsel for the applicant for a conference call scheduled for 12.00 noon today.

It is stated that the applicant moved an application for releasing his mobile phone on superdari on 20.07.2020. It was submitted that an e-FIR was filed and his two mobile phones were stolen i.e. REDIMI Note 6 Pro IMEI No. 861478047855974 and REDIMI 6A IMEI No. 862798040139053.

Perusal of record shows that reply filed by the IO mentioned that one mobile phone i.e. Redmi Note 6 Pro was recovered and lying in the malkhana. Accordingly, order was passed for the release of mobile phone Redmi Note 6 Pro to the applicant. Now the present application is moved stating that the IO informed the applicant that mobile phone Redmi 6A and not Redmi Note 6 Pro had been recovered in this case.

Fresh reply filed by the IO. Perused.

It is stated that inadvertently in the previous reply instead of mobile REDIMI 6A IMEI No. 862798040139053, it was mentioned that mobile Redmi

1888/19

Note 6 Pro is lying in the malkhana which can be released to the rightful owner.

Heard.

In view of the above facts and circumstances, the present application is allowed.

As per the directions of the **Hon'ble High Court of Delhi in Manjit Singh vs. State in Crl MC No. 4485/13 dated 10.09.2014**, case property may be released to the rightful owner after preparing detailed panchnama, taking photographs, valuation report and a security bond. Further, production of mobile should not be insisted upon during trial and its photographs along with panchnama should suffice for the purpose of evidence.

In view of above IO/SHO is directed to release the mobile phone REDIMI 6A IMEI No. 862798040139053 to the applicant/owner on furnishing security / indemnity bond as per valuation of mobile phone REDIMI 6A IMEI No. 862798040139053. Valuation shall be done prior to releasing the mobile phone to the applicant. A detailed panchnama shall be prepared after taking photographs of the mobile phone from all angles and the same shall be attested/countersigned by complainant as well as accused. The cost of photographs shall be borne by the applicant. Panchnama along with photographs and indemnity bond shall be filed in the court along with charge-sheet.

Application is disposed of accordingly. Copy of this order be sent to Ld. Counsel for applicant through electronic mode.

RENU
CHAUDHARY
(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/30.07.2020

Digitally signed by RENU
CHAUDHARY
Date: 2020.07.30 15:29:32
+05'30'

FIR No.592/20
PS. Laxmi Nagar

30.07.2020

Present: Sh. A. K. Pasha, Ld. Counsel applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of laptop Lenovo G 50-80 on superdari.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the abovesaid application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the applicant for a conference call scheduled for 11.30 a.m today.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the said laptop is not required by the police.

I have heard the applicant. Perused the record.

As per the directions of the **Hon'ble High Court of Delhi in Manjit Singh vs. State in Crl MC No. 4485/13 dated 10.09.2014** , case property may be released to the rightful owner after preparing detailed panchnama, taking photographs, valuation report and a security bond. Further, production of laptop Lenovo G 50-80 should not be insisted upon during trial and its photographs along with panchnama should suffice for the purpose of evidence.

592/20

In view of above IO/SHO is directed to release the laptop Lenovo G 50-80 to the applicant/owner on furnishing security / indemnity bond as per valuation of laptop Lenovo G 50-80. Valuation shall be done prior to releasing the said laptop to the applicant. A detailed panchnama shall be prepared after taking photographs of the said laptop from all angles and the same shall be attested/countersigned by complainant as well as accused. The cost of photographs shall be borne by the applicant. Panchnama along with photographs and indemnity bond shall be filed in the court along with charge-sheet.

Copy of this order be sent to Ld. Counsel for applicant through electronic mode.

RENU
CHAUDHARY

Digitally signed by RENU
CHAUDHARY
Date: 2020.07.30 15:33:34
+05'30'

(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/30.07.2020