

FIR No. 041237/17
U/s 379 IPC
PS Gokul Puri
State Vs. Not Known

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for release of vehicle DL5CN3990 on superdari.

Present: Ld. APP for the State.
Counsel for applicant

Reply filed by the IO . Same is taken on record.

The vehicle is no more required for the purpose of investigation.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State CrI. M.C. 4485/2013 decided on 10.09.2014** 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.

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.

The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.

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

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.

Contd.....

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

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. **DL5CN3990** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 345/20
U/s 279/337 IPC
PS Shastri Park
State Vs. Not Known

04.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of vehicle DL5SBX1043 on
superdari.**

Present: Ld. APP for the State.

Reply filed by the IO . Same is taken on record.

The vehicle is no more required for the purpose of investigation.

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 High Court of Delhi in case titled as **Manjit Singh Vs. State Crl. M.C. 4485/2013 decided on 10.09.2014** 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.

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.

The production of the vehicle should not be insisted upon during the trail. The panchnama and photographs alongwith the valuation report should suffice for the purposes of evidence.

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

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.

Contd.....

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

Considering the facts and circumstances and law laid down by Hon'ble High Court, the vehicle in question bearing registration no. **DL5SBX1043** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the vehicle. SHO concerned is directed to get the valuation of the vehicle done prior to releasing the same to the applicant as per directions of the Hon'ble High Court. Coloured photographs of the vehicle be taken and Panchnama of the vehicle in question be also prepared as per above mentioned judgment. The photographs of the vehicle shall also be attested and countersigned in the manner stated above.

Copy of this order be given dasti to the applicant.

Panchnama alongwith photographs, valuations report etc. shall be filed in the court along with the final report.

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(Nitish Kumar Sharma)

MM-03/N-E/KKD Courts/Delhi

04.01.2021

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Akash
Present: APP for the State.

Counsel for applicant accused.

Heard on the above said application. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case, who has nothing to do with the alleged offence. It is stated that nothing was recovered from the possession of the accused. It is further stated that accused is only earning member in the family. It is further stated that accused is in JC since 14.12.2020 and no fruitful purpose will be served by keeping the accused in judicial custody with request to grant bail to the accused.

Ld. APP for state has opposed the bail application under consideration.

Reply has also been filed by the IO wherein he had also opposed the application.

After considering the respective arguments, period of custody and the fact that there is no previous involvement and recovery has already been affected, this court of view that applicant accused may be admitted to bail. After considering the entire facts and circumstances of the case, accused is admitted to bail upon furnishing a personal bond for a sum of Rs. 15,000/- with one surety of like amount subject to the following conditions:-

- i) That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority;
- ii) That he shall not indulge into similar offence or any other offence in the event of release on bail;
- iii) That he shall not tamper with evidence in any manner;

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iv) That in case of change of his residential address, he shall intimate the court about the same;

v) That he shall regularly appear before the court on each and every date of hearing; and

vi) That he shall not leave the territory of the Union of India without prior permission of the court.

Application stands disposed off.

Copy of this order be sent to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

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(Nitish Kumar Sharma)

MM-03/N-E/KKD Courts/Delhi

04.01.2021

FIR No. 220/19
PS Khajuri Khas
State Vs. Salamat

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

Present: Ld. APP for the State.
Counsel for applicant.

At request of counsel, put up for 05.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 374/19
U/s 279/338 IPC
PS Khajuri Khas
State Vs. Hemant Kumar Panwar

04.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of Driving License on superdari.**

Present: Ld. APP for the State.
None for applicant.

No one joined on behalf of applicant through the URL/Cisco Webex
Link.

Put up for 05.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 450/20
PS Shastri Park
State Vs. Mohd. Mohsin Khan

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

Present: Ld. APP for the State.

IO in person.

An application for issuance of process u/s 82 CrPC is sought to be moved by the IO. At request, put up for 05.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 259/08
PS Gokulpuri
State Vs. Imran & Ors.

04.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for bail u/s 437 CrPC.**

Present: Ld. APP for the State.

None for applicant.

No one joined on behalf of applicant through the URL/Cisco Webex
Link.

Reply has not been filed by IO.

IO is strictly directed to comply with the directions. Copy of this order
be sent to IO through concerned Naib for information and strict compliance.

Put up for 05.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 11647/20
U/s 379 IPC
PS Khajuri Khas
State Vs. Not Known

04.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of vehicle RJ32GC3072 on
superdari.**

Present: Ld. APP for the State.
Counsel for Complainant.

Reply filed by IO. Perused.

IO is directed to verify as to whether the applicant has made any claim for insurance amount. Copy of this order be sent to IO through concerned Naib for information and compliance.

Put up for 11.01.2021

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 532/18
PS Gokulpuri
State Vs. Manzoor Ansari

04.01.2021

**Proceedings conducted through Cisco Webex meeting VC.
This is an application for release of documents.**

Present: Ld. APP for the State.
Ld. Counsel for applicant.

IO is not present. IO is directed to remain present on the next date of hearing.

Put up for 11.01.2021

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 22713/16
PS Khajuri Khas
State Vs. Salim

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is an application for issuance of production warrant.

Present: Ld. APP for the State.

Counsel for applicant.

IO is not present. He is directed to remain present on the next date of hearing.

Put up for 11.01.2021.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 593/20
U/s 356/379 IPC
PS Shastri Park
State Vs. Karan

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Karan.

Present: APP for the State.

Counsel for applicant.

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that allegations against the accused are very serious, there is apprehension that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail.

After considering the entire facts and circumstances of the case, including the nature & seriousness of allegations involved in this case, the antecedents of the accused and the fact that crimes of this nature are on rise in the society, this court is of the view that accused is not entitled to the concession of bail at this stage. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 593/20
U/s 356/379 IPC
PS Shastri Park
State Vs. Suhail

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Suhail

Present: APP for the State.

Counsel for applicant.

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application filed and perused. It is stated that allegations against the accused are very serious, there is apprehension that if accused is released on bail, he may tamper the evidence, intimidate/influence the witness and jump the bail.

After considering the entire facts and circumstances of the case, including the nature & seriousness of allegations involved in this case, the antecedents of the accused and the fact that crimes of this nature are on rise in the society, this court is of the view that accused is not entitled to the concession of bail at this stage. Consequently, bail application under consideration is dismissed.

Copy of this order be sent to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

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(Nitish Kumar Sharma)
MM-03/N-E/KKD Courts/Delhi
04.01.2021

FIR No. 891/20
U/s 394/411/34 IPC
PS Khajuri Khas
State Vs. Shamsuddin

04.01.2021

Proceedings conducted through Cisco Webex meeting VC.

This is a bail application u/s 437 CrPC of accused Shamsuddin.

Present: Ld. APP for the State.

Counsel for applicant.

Arguments on the bail application heard. Perused.

It is stated by the counsel for accused that accused has been falsely implicated in the present case who has nothing to do with the commission of alleged offence. It is further stated that investigation is complete, there are no chances of accused absconding or tampering with evidence and no fruitful purpose shall be served by keeping the accused in custody with request to grant bail to the accused.

Ld. APP for state has strongly opposed the bail application under consideration. Reply filed to the present application under the signature of PSI Sunil Kumar.

The accused/applicant has been arrested with the allegations that he inter alia has committed the offence punishable u/s 394 IPC which is punishable with imprisonment for life. The accused as such cannot be admitted to bail u/s 437 Cr.PC. Consequently, bail application under consideration is dismissed.

Copy of this order be sent through e-mode to all concerned quarters and to concerned Jail Superintendent for being delivered it to accused.

Copy dasti.

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(Nitish Kumar Sharma)

MM-03/N-E/KKD Courts/Delhi

04.01.2021