

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

State vs. Not Known  
E. FIR no 000114/2020  
PS New Ashok Nagar

**08.12.2020**

**Through Video Conferencing**

**Application for release the Mobile phone on superdari**

Pr.: Ld. APP for the State.

Ld. counsel for the applicant.

Reply of IO perused.

Instead of releasing the mobile on superdari, I am of the considered view that the mobile 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/re/eased 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**  
**ARORA**  
**(PANKAJ ARORA)**  
ACMM (EAST)/KKD/08.12.2020

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

**E. FIR NO. 659/2020**  
**PS New Ashok Nagar**  
**State Vs. Mohd. Shahid**  
**U/s 379/411 IPC**

**08.12.2020**

**Through video conferencing**

**A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.**

Present: Ld. APP for the State.  
Ms. Zeenat Khan, ld. counsel for the  
applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO  
perused.

It is submitted by ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 13.11.2020. It is submitted by ld. Counsel for the applicant/accused that alleged recovery has already been effected and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply. The accused is shown to be in custody since 13.11.2020. His custody is not required for further investigation. Investigation 'qua' the accused is complete as chargesheet in the present case is filed. 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.10,000/- with one

surety of like amount.

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 be given dasti to the ld. counsel.

Order be uploaded on the server.

**PANKAJ**  
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**(PANKAJ ARORA)**  
**ACMM (EAST)/KKD/08.12.2020**

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

**FIR NO. 395/2013**

**PS New Ashok Nagar**

**State Vs. Mehroof @ Mohd. Haroon**

**U/s 380/413 IPC**

**08.12.2020**

**Through video conferencing**

**Case file is received from Record Room on bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.**

Present: Ld. APP for the State.  
Sh. Atul Sharma, ld. counsel for the  
applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO  
perused.

It is submitted by ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he has already suffered incarceration in J.C for about two month and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply. The accused is shown to be in custody since 10.10.2020. The accused was arrested as he was declared absconder. However, he was

previously on bail in this case. 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.10,000/- with one surety of like amount.

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 be given dasti to the ld. counsel.

Order be uploaded on the server.

Present case file be restored to its original number.

Issue court notice to the SHO concerned to file the supplementary charge sheet for the offence punishable u/s 174-A Cr.P.C for next date of hearing.

Issue P/W of the accused for next date of hearing.

List the matter for F/P on 19.12.2020.

**PANKAJ** Digitally signed  
by PANKAJ  
ARORA  
**ARORA** Date: 2020.12.06  
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**ACMM (EAST)/KKD/08.12.2020**