

State Vs Suraj @ Gajni
FIR NO. 74/19
P.S. Civil Lines
U/s 25/54/59 Arms Act

02.12.2020

Matters are taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020.

File taken up today on the application seeking withdrawal of surety of accused, filed by applicant/ surety namely, Sh. Rajesh.

Ld. PO is on leave today.

Present : Ld. APP for State (through V.C.).

Accused in person with Ld. LAC Sh. Abhishek Kumar Singh.

Applicant/ Surety namely Mr. Rajesh in person with Ld. Counsel.

It is submitted by Ld. Counsel for applicant/surety that applicant has stood as surety for accused in the present case and original R/C of his vehicle is deposited with the Court. It is further submitted by Ld. Counsel appearing for surety that accused is an addict and that surety has no control over the accused, despite being his brother.

On the other hand, Ld. LAC has moved an application for release of accused on personal bond. Same is taken on record.

Heard. Record perused.

Accused was granted bail vide order dated 16.04.2019 on furnishing of personal bond/ surety bond for sum of Rs. 15,000/- and present applicant had stood as surety for the accused. In the opinion of the Court, at this point of time, no grounds are made out for release of accused on personal bond. However, in the interest of justice, another opportunity is given to the accused to either furnish fresh surety or to give cash security in terms of Section 445 Cr.P.C. on the next date of hearing.

Be put up for consideration on 05.12.2020.


(SHIVANGI VYAS)
MM Reliever(C)/THC/Delhi/02.12.2020

State Vs. Sunny @ Hakla
e-FIR NO. 490/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

02.12.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.10.2020.

Ld. PO is on leave today.

This is an application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Sunny @ Hakla s/o Sh. Jagdish.

Present : Ld. APP for State (through V.C.)

Mr. Abhishek, Id. LAC for applicant/accused Sunny @ Hakla.

Reply to the present bail application has been filed by IO. Same is taken on record. Copy of the same has been supplied to Ld. Counsel for the applicant.

Ld. Counsel argued that accused is innocent and has not committed any offence as alleged by the prosecution and that accused has been falsely implicated in the present case. Therefore, it has been prayed that accused be released on bail.

Per contra, Ld. APP for the State has opposed the bail application on the ground that out of Rs. 50,000/- stolen in the present case Rs. 20,000/- has been recovered from the accused. Further Ld. APP submitted that the accused has been previously involved in many cases of similar nature. It is submitted that the accused is a habitual offender and there are chances that he might commit similar offences again, if released on bail.

Submissions heard. Record perused.

Considering the previous involvement report of the accused in which he has been stated previously involved in may cases of similar nature, I find substance in the submission of Ld. APP that there is chance that accused might commit similar offence, if released on bail. Hence, this Court is not inclined to grant bail to the accused. The present bail application is hereby dismissed.

Copy of this order be given dasti to Id. Counsel for applicant/accused.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar.


(SHIVANGI VYAS)
MM Reliever(C)/THC/Delhi/02.12.2020

02.12.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/Physical Courts Roster/ 2020 dated 25.10.2020.

Ld. PO is on leave today.

This is an application for releasing of mobile make Vivo Y12 on superdari filed by applicant Sh. Mohd. Kaishar electronically.

Present : Ld. APP for the State.

Sh. P.K. Maurya, Ld. Counsel for the applicant.

Reply filed by the IO. Same is taken on record, wherein it is submitted by the IO that he has no objection in releasing the mobile to the rightful owner. The mobile of make **Vivo Y12** is no more required for the purpose of investigation. Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid 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**, which has been reiterated by Hon'ble High Court of Delhi in case titled as **“Manjit Singh Vs. State”**.

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Vivo Y12** be released to the rightful owner on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the rightful owner, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to Ld. Counsel for the applicant.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar.



(SHIVANGI VYAS)

MM Reliever(C)/THC/Delhi/02.12.2020

02.12.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide Office Order No. 1146/36956-37126 DJ(HQ)/Covid Lockdown/Physical Courts Roster/ 2020 dated 25.10.2020.

Ld. PO is on leave today.

This is an application for releasing of vehicle bearing No. DL-6C-Q-9635 on superdari filed by applicant/ registered owner Sh. Neeraj Goel.

Present : Ld. APP for the State (through V.C.).

Sh. M.K.Bansal, Ld. Counsel for the applicant.

Reply filed by the IO. Same is take on record. As per which, the vehicle is no more required for the purpose of investigation. Copy of RC, insurance & Aadhar card of the applicant is also annexed alongwith the reply.

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 Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**"

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi 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, vehicle bearing registration No. **DL-6C-Q-9635** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar.



(SHIVANGI VYAS)

MM Reliever(C)/THC/Delhi/02.12.2020