

10.11.2020

Through Video conferencing at 10:35 am.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.
Sh. Deepak Kumar Malik, Ld. Counsel on behalf of applicant/accused Jitender @ Pahadi has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically.

At this stage, Ld. Counsel for applicant/accused submits that he wants to withdraw the present bail application.

In view of the same, present application stands allowed to be withdrawn.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:20 am.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.

Sh. Rahul Verma, Ld. Counsel on behalf of applicant/accused Shahrukh has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 26.09.2020. Ld. Counsel argued that recovery has already been effected and investigation is complete as charge-sheet has been filed. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Ld. APP for the State vehemently opposed the present bail application stating that applicant/accused is a habitual offender and involved in several similar other cases.

Submissions of both sides heard.

The applicant/accused has been apprehended at the spot by the police official. The stolen mobile phone also got recovered from him at the spot. The applicant/accused is involved in several other cases of different PS. Thus, considering the antecedent of applicant/accused, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. Dasti copy of order be given to Ld. Counsel as prayed for.

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:15 am.

This is an application for releasing vehicle bearing registration number GJ31T-7677 on superdari.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.
Md. Danish, Ld. Counsel on behalf of applicant/GPA Tintoiyo Mohd. Yunus has joined through Cisco Webex.

Owner of the vehicle is Tintoiya Abdulrajjak.

This is an application for releasing vehicle bearing registration number GJ31T-7677 on superdari. The applicant has not mentioned the material/fiber sheets in the truck.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that he has no objection, if vehicle and the material/fiber sheets are released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

"68. 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.

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.

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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 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 of Delhi**, vehicle in question bearing registration number GJ-31T-7677 along-with material/fiber sheets be released to the applicant/GPA holder by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:05 am.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.

Ms. Sunila Choudhary, Ld. Counsel on behalf of applicant Saroj has joined through Cisco Webex.

This is an application for release of vehicle bearing registration number DL-1RZ-2083.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that IO has objected to the release of vehicle.

Under these circumstances, let fresh notice be issued to IO with direction to appear in person and file fresh report on **11.11.2020**.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines.

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MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:00 am.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.
Sh. Abhishek Kumar Singh, Ld. LAC on behalf of applicant/accused Sahil @
Sonu has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 18.09.2020. Ld. LAC argued that applicant/accused has been formally arrested in the present case and recovery has already been effected. He further argued that applicant/accused is not involved in any other case. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Ld. APP for the State vehemently opposed the present bail application stating that recovery has been effected from applicant/accused and there are chances that accused, if enlarged on bail, may commit similar offence.

Submissions of both sides heard.

Considering that recovery has already been effected and IO has not mentioned any previous involvement of applicant/accused, so no purpose would be served by keeping the accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.15,000/- each and subject to the following conditions : -

1. that accused person(s) shall attend the Court as per conditions of bond to be executed,
2. that accused person(s) shall not commit similar offence and ;
3. that accused person(s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)
MM-16(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:10 am.

This is an application for releasing vehicle bearing registration number DL-6SAY-0709 on superdari with permission to sell the vehicle.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.
Sh. Virendra Kumar Singh, Ld. Counsel on behalf of applicant/AR Vishnu Thakur has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"68. 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.

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

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Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-6SAY-0709 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:25 am.

This is an application for releasing vehicle bearing registration number DL-8SBJ-3871 on superdari.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.

Applicant Ganesh Kumar has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"68. 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.

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

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Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-8SBJ-3871 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/10.11.2020

10.11.2020

Through Video conferencing at 10:30 am.

This is an application for releasing vehicle bearing registration number DL-9CK-8825 on superdari.

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.

Applicant Sunny has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"68. 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.

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

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Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-9CK-8825 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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