

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of mobile make Carbon on superdari filed by applicant Sh. Jitender.

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

Applicant Jitender in person alongwith Id. Counsel Sh. Bhojraj (through V.C.).

An application for releasing the above said mobile phone has been filed by applicant Jitender. It is submitted by the applicant that complainant in the present FIR is the uncle of the applicant / owner of the mobile phone.

Reply filed by the IO electronically. Same is taken on record. As per the reply, the bill of said mobile phone is in the applicant's name.

Perusal of the FIR reveals that the complainant Sh. Prem Kumar stated that the said mobile phone belongs to his nephew Naveen Kumar.

Keeping in view the ambiguity as to the ownership of the mobile phone, IO is directed to verify from the complainant whether the mobile phone belongs to applicant Jitender as name of the applicant is nowhere mentioned in the present FIR.

IO to file the report on 18.12.2020.

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


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

State V/s Shoaib
FIR No. 211/20
P.S. Sadar Bazar
U/s 392/411 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

The present application for grant of interim bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Shoaib s/o Sh. Riyasat Ali.

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

Mr. Iqbal Khan, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case and he is in J/C since 07.10.2020. It is further submitted that father of applicant/accused is seriously ill and has been diagnosed with Gangerin ailment of left side foot and has been advised surgery by the doctors. It is further submitted that right foot of father of applicant/accused has already been removed due to this ailment and there is no one in the family of applicant/accused to look after his father as mother of applicant/accused is already bed-ridden due to arthritis and two other brothers of applicant/accused have no relation with their father due to property disputes. It is further submitted by Ld. Counsel for applicant/accused that doctors have advised to get the surgery done, at a date chosen by them at the earliest. Hence, it is prayed that a lenient view may be taken and applicant/accused may be released on interim bail, so that treatment of his father can be done.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. However, IO has not verified the medical documents of father of applicant/accused placed on record by applicant/accused.

Submission of both sides heard. Perused.

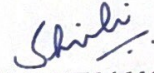
In view of submissions made by Id. Counsel for applicant/accused, IO is directed to verify the medical documents of father of applicant/accused and

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file report on 17.12.2020.

Accordingly, put up for consideration on 17.12.2020.

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 and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

State V/s Chander Shekhar
FIR No. 0269/20
P.S. Sadar Bazar
U/s 379/411 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Chander Shekhar s/o Sh. Shyam Lal.

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

Mr. Purshottam, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 01.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is young boy and sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the applicant/accused was apprehended on the spot after he stole the mobile phone of the complainant from his pocket. It is further stated that applicant/accused has previously been involved in many theft cases. It is further stated that applicant/accused may abscond, threaten/ intimidate the witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the applicant/accused was apprehended on the spot and case property i.e. stolen mobile phone was recovered from the possession of the applicant/accused. It is submitted that the applicant/accused has previously been involved in cases of a similar nature and he may commit similar offences again, if

Shinde

released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Considering the submissions made and the circumstances that applicant/accused is in J/C since 01.11.2020, recovery of case property has already been effected, investigation qua applicant/accused is almost complete, and applicant/accused is no more required for any custodial interrogation, I am of the considered view that no purpose would be served by keeping the applicant/accused behind bars. Hence, applicant/accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 10,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, subject to the following conditions:-

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

Accordingly, the present application is disposed off.

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 and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

State V/s Taimur
FIR No. 289/20
P.S. Sadar Bazar
U/s 356/379/411/34 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing on Cisco Webex.


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

Ms. Sareeka, Ld. LAC for accused (through V.C.).

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond stating that applicant/accused was admitted on bail by Ld. Link MM of this Court, Sh. Visvesh, vide order dated 01.12.2020 and applicant/accused was directed to furnish his personal bond in the sum of Rs. 10,000/- with two sureties of like amount. However, widowed mother of applicant/accused is unable to furnish surety for releasing applicant/accused on bail due to which he is languishing in the jail. Ld. LAC for applicant/accused submits that applicant/accused is in J/C since 07.11.2020, therefore, it is prayed that considering the condition of applicant/accused, he may be released on his personal bond.

Reply has been filed by IO electronically. Same has been supplied to Ld. LAC for applicant/accused. IO in his reply has stated that applicant/accused resides in a rented accommodation and hence, he may abscond.

Heard. Record perused. Keeping in view the poor condition of applicant/accused and submissions made by Ld. LAC of applicant/accused, the application moved on his behalf for his release on personal bond stands allowed. Accused be released on bail on furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of Ld. Duty MM, as per prevailing Duty Roster. However, it is clarified here that personal bond of applicant/accused shall be accepted only after the verification of his permanent address.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/15.12.2020

State V/s Suraj
FIR No. 431/20
P.S. Civil Lines
U/s 392/394/411/34 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Suraj s/o Sh. Rakesh Kumar.

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

Mr. A.K. Sharma, Ld. Counsel for applicant/accused (through V.C).

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

At request of Ld. Counsel for applicant/accused that he wants some time to address arguments on the bail application, be put up for **16.12.2020.**

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 and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

State V/s Rajiv @ Golu
FIR No. 013262/20
P.S. Sadar Bazar
U/s 379/411 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Rajiv @ Golu s/o Late Virender.

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

Mr. Sunil Tiwari, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that even otherwise, the recovery of case property has already been effected. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 08.12.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is young boy and sole bread earner of his family. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that applicant/accused has previously been involved in theft cases. It is further stated that the address given by the applicant/accused to the police was incorrect. It is stated that the stolen scooty was recovered from the possession of applicant/accused. It is further stated that applicant/accused may abscond, threaten/ intimidate the witnesses and tamper with evidence, if released on bail.

Ld. APP for the State has vehemently opposed the bail application on



the ground that the case property has been recovered from the possession of the applicant/accused. It is further submitted that the applicant/accused gave wrong address to the police and it is further submitted that the applicant/accused is previously involved in cases of similar nature.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Considering the submissions made and the circumstances that investigation of the present case is at an initial stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

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 and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

e-FIR NO. 029906/20
P.S. Sadar Bazar

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. DL-3C-CN-8593 on superdari filed by applicant/ registered owner Sh. Raman Kumar Vohra.

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

None on behalf of applicant Sh. Raman Kumar Vohra.

Since none has joined the VC. on behalf of applicant, be put up for consideration on the superdari application on **16.12.2020**.

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



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. DL 10 CT 1286 on superdari filed by applicant Sh. Wajid Khan s/o Sh. Sajjan Khan.

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

Sh. Satbir Singh, Id. Counsel for applicant alongwith applicant through V.C.

In compliance of previous order, IO has filed fresh reply to the present application wherein it is stated that IO has no objection to the release of vehicle to its registered owner/applicant as 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 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 10 CT 1286** 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 and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020

State V/s Sumit
FIR No. 320/20
P.S. Civil Lines
U/s 392/394/34 IPC

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing on Cisco Webex.

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

Mr. Nitin Gupta, Ld. Counsel for accused (through V.C.).

In compliance of order dated 11.12.2020, IO has verified the COVID 19 positive report of accused Sumit who was granted interim bail by this Court vide order dated 11.12.2020 till 13.12.2020. In his report, IO has stated that the medical documents have been verified from the hospital and it has been confirmed that accused Sumit is COVID positive.

Application stands disposed off.

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 and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/15.12.2020

FIR NO. 109/20¹⁹
P.S. Civil Lines

15.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

This is an application for releasing of vehicle bearing No. DL-2SP-6808 on superdari filed by applicant/ registered owner Ms. Renu.

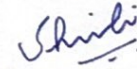
Present : Ld. APP for the State through V.C.

Ms. Renu, applicant in person alongwith Ld. Counsel Sh. Kamran Haider (through V.C.).

Reply has been filed electronically, as per which the RC of above said vehicle has not been verified. Hence, IO seeks further time to verify the same.

In view of the same, IO is directed to verify the RC of aforesaid vehicle and file report on **18.12.2020.**

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 and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/15.12.2020