

01.09.2020

Through Video conferencing at 10:30 am.

Present : Ld. APP for the State.

Ms. Afshan, Ld. Counsel on behalf of applicant joined through Cisco Webex.

This is an application for release of vehicle on superdari.

IO has filed is reply. Copy of same supplied to Ld. Counsel electronically.

Perusal of the reply shows that wrong FIR has been mentioned by the applicant.

At this stage, Ld. Counsel for applicant submits that she wants to withdraw the present application. Heard.

In view of the same, present bail application stands allowed to be withdrawn.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

(**MANOJ KUMAR**)

MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 10:35 am.

Present : Ld. APP for the State.

Sh. Suraj Prakash, Ld. Counsel on behalf of applicant/accused Sachin 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 for the last more than two months. Ld. Counsel argued that recovery has already been effected and investigation is almost complete and applicant/accused has already been released in 17 cases. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that recovery has already been effected from applicant/accused and he is involved in several other cases.

Submissions of both sides heard.

Considering that recovery has already been effected and investigation is almost complete, so no purpose would be served by keeping accused behind bars. Therefore, he is admitted to bail subject to furnishing of bail bond and surety bond in the sum of Rs.20,000/- 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.

Present application stands disposed off accordingly. One 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.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 10:45 am.

Present : Ld. APP for the State.

Sh. Upendra Singh, Ld. Counsel on behalf of applicant/accused K. Jeet 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 19.08.2020. Ld. Counsel argued that there is no previous involvement of applicant/accused and he has been picked from his house. Ld. Counsel further argued that applicant/accused is young man of 26 years of age, therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that applicant/accused has been apprehended and case property i.e. one gas cylinder got recovered from the possession/at the instance of applicant/accused.

Submissions of both sides heard.

Considering that recovery has already been effected, applicant/accused not found involved in any other case and he is a young man of 26 years of age, so no purpose would be served by keeping 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. One 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 application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 10:40 am.

Present : Ld. APP for the State.

Sh. Ranjeet Kumar, Ld. Counsel on behalf of applicant/accused Ashwani 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 24.08.2020. Ld. Counsel argued that nothing has been recovered from the possession/at the instance of applicant/accused and he is not involved in any other case. Ld. Counsel further argued that applicant/accused was trying to help the complainant and in the meanwhile, ASI Devender reached at the spot and wrongly arrested the accused. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that on the night of 23.08.2018, when complainant along-with one another person was waiting for the bus, then applicant/accused along-with co-accused attempted to rob them, they were rescued by the public persons and during that time, police officials also reached at the spot.

Submissions of both sides heard.

There is specific allegations against the applicant/accused. The applicant/accused has been arrested at the spot. FIR has been registered under Section 393/394 IPC. Section 394 IPC entails imprisonment upto life. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

One 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 application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/01.09.2020

FIR No. 016184/20
PS – Sadar Bazar

01.09.2020

Through Video conferencing at 10:50 am.

Present : Ld. APP for the State.

Sh. Sushil Kumar Pandey, Ld. Counsel on behalf of applicant/accused Ajay 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. Perusal of the same shows that no such FIR got registered at PS Sadar Bazar.

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

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

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

Sunita Vs. Laxmi & Ors.
PS – Civil Lines

01.09.2020

Through Video conferencing at 11:00 am.

Present : Ms. Ritu Munjal, Ld. Counsel for complainant has joined webex.

Heard.

Reply be called from concerned SHO PS Civil Lines as to ;

- (1) Whether the complaint of the complainant has been received at the PS or not.
- (2) From the contents of the complaint whether any cognizable offence is disclosed or not.
- (3) Whether any FIR has been registered or not on the basis of the said complaint.

Reply be filed on 01.10.2020.

One 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 application, reply and the order be kept for records and be tagged with the final report.

(**MANOJ KUMAR**)

MM-06(C)/THC/Delhi/01.09.2020

FIR No.153/20
PS – Sadar Bazar

01.09.2020

Present : Ld. APP for the State.

Sh. A.K. Sharma, Ld. Counsel on behalf of applicant/accused Arjun has not joined through Cisco Webex.

Ld. Counsel for the accused has moved an application for releasing the accused on personal bond. Perusal of the application shows that accused was granted bail by Ld. Duty MM on 08.08.2020.

In this matter, accused was admitted to bail vide order dated 08.08.2020 by Ld. Duty MM subject to furnishing Bail Bond and Surety Bond in sum of Rs.7,000/- each.

In view of the fact that accused is a poor person and he has not been able to furnish surety bond as per the order since 08.08.2020, therefore, in view of the order's of *Hon'ble High Court of Delhi* in the matter of "*D.M. Bhalla Vs. State*" passed in *W.P. (C) 3465/2010*, the application of the accused is allowed and he is admitted to bail subject to furnishing personal bond in sum of Rs.7,000/- to the satisfaction of jail superintendent.

Application stands disposed off accordingly.

One 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 application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)
MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 11:15 am.

Present : Ld. APP for the State.

Mohd. Irfan, Ld. Counsel on behalf of accused has joined through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

I have considered the submissions made in the application.

In view of the same, the application is accordingly, allowed. MHC(M)/IO concerned is directed to release the seized articles of jamatalashi **as per jamatalashi memo** to the applicant/accused as per rules which were not part of case property or **which are not proceeds of crime** or required for investigation after consultation with IO.

One 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 application, reply and the order be kept for records and be tagged with the final report.

(**MANOJ KUMAR**)

MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 11:20 am.

Present : Ld. APP for the State.

Sh. Nitin Choudhary, Ld. Counsel along-with alleged person has joined through Cisco Webex.

Ld. Counsel submits that compromise has been effected between the parties and they want to settle the matter.

Heard.

As the charge-sheet has not been filed, so at this stage, compromise cannot be recorded.

At this stage, Ld. Counsel submits that he wants to withdraw the present application. Heard.

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

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

Feroz Ahmed Vs. Gopal
PS – Sadar Bazar

01.09.2020

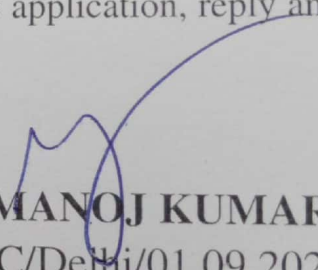
Through Video conferencing at 11:25 am.

Present : Sh. Nitin Choudhary, Ld. Counsel on behalf of complainant has joined through Cisco Webex.

Ld. Counsel submits that FIR has already been registered, but nothing has been done by the IO against alleged person.

Under these circumstances, let notice be issued to SHO/IO with direction to appear physically before the Court and file detailed report regarding investigation conducted in the present matter on 29.09.2020.

One 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 application, reply and the order be kept for records and be tagged with the final report.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

01.09.2020

Through Video conferencing at 10:25 am.

This is an application for releasing article i.e mobile phone.

Present : Ld. APP for the State.

Applicant Islam has joined meeting through Cisco Webex.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles 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 : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

One 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 application, reply and the order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020

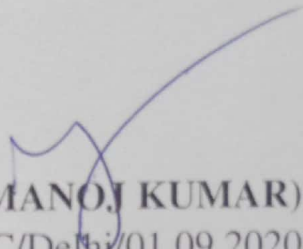
01.09.2020

Present : Ld. APP for the State.

None.

Report received from Dy. Superintendent, Jail No.1, Tihar. Perusal of the same shows that charge-sheet has been supplied by the Jail Superintendent to the accused. Acknowledgement is taken on the copy of order.

Let, same be tagged with main charge-sheet.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/01.09.2020