

20.10.2020

Through Video conferencing at 10:00 am.

Present : Ld. APP for the State has joined through Cisco Webex.
Ms. Kusum Gupta, Ld. Counsel on behalf of applicant/accused Tony 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 27.09.2020. Ld. Counsel argued that recovery has already been effected and 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 applicant/accused has been apprehended on the spot and recovery also effected from him.

Submissions of both sides heard.

Considering that recovery has already been effected, 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. 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/20.10.2020

20.10.2020

Through Video conferencing at 10:15 am.

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

Present : Ld. APP for the State has joined through Cisco Webex.
Sh. Mayank Mahajan, Ld. Counsel on behalf of applicant Sujal Bansal has joined 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.

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.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/20.10.2020

20.10.2020

Joined meeting through webex.

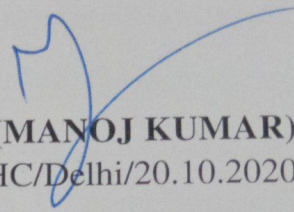
Present : Ld. APP for the State has joined through Cisco Webex.

Accused Bharat @ Bharta produced from jail no.3, Tihar Jail.

Let, copy of charge-sheet and documents be sent to the concerned jail superintendent with direction to supply the same to the accused.

Be put up for further proceedings on 03.11.2020.

Copy of order be uploaded on CIS.


(MANOJ KUMAR)

MM-06(C)/THC/Delhi/20.10.2020

20.10.2020

Through Video conferencing at 10:40 am.

Present : Ld. APP for the State has joined through Cisco Webex.
Sh. Abhishek Kumar, Ld. LAC on behalf of applicant/accused Mohd. Adil has joined through Cisco Webex.

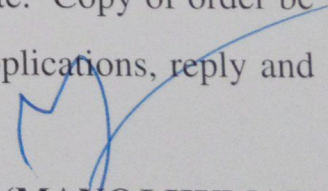
This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 28.08.2020. Ld. LAC argued that there is no public witness of the recovery and Desi Katta has been implanted upon the applicant/accused. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. LAC electronically. Ld. APP for the State vehemently opposed the present bail application stating that one country made pistol and two live cartridges were recovered from the possession of applicant/accused and he is a habitual offender and involved in several other cases.

Submissions of both sides heard.

Considering that recovery has been effected from applicant/accused and he is a habitual offender and BC of PS Nabi Karim, 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. 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/20.10.2020

20.10.2020

This is an application of the applicant Vinod for release of RC of the vehicle

on superdari.

Present : Ld. APP for the State has joined through Cisco Webex.

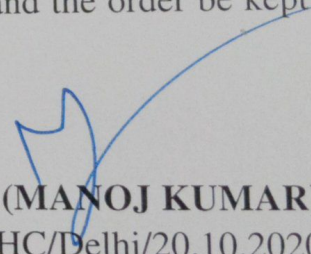
None has joined through Cisco Webex.

This is an application of the applicant for release of RC of the vehicle on superdari. Reply of IO has been filed. Copy of same supplied to applicant electronically.

Heard.

Application is considered and allowed subject to furnishing of superdarinama in the sum of **Rs.10,000/- (Rupees Ten Thousand Only)** to the satisfaction of the IO and further subject to the condition that applicant shall produce the same before the Court as and when directed to do so.

Application stands disposed off accordingly. 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/20.10.2020

20.10.2020

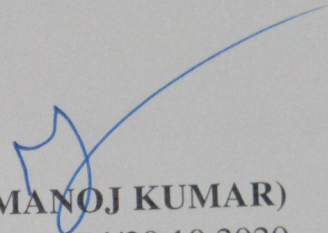
Present : Ld. APP for the State.

IO in person.

IO has furnished report regarding clarification of address of accused Siva.

Same is taken on record.

Let, fresh release warrant be prepared accordingly.


(**MANOJ KUMAR**)

Duty MM/THC/Delhi/20.10.2020

20.10.2020

Through Video conferencing at 10:05 am.

This is an application for releasing vehicle bearing registration number HR-55U-1008 on superdari.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Amit Anand, Ld. Counsel on behalf of applicant has joined through Cisco Webex.

IO has filed his reply electronically. Copy of same supplied to Ld. Counsel for applicant. Perusal of the report of IO shows that applicant has not handed over the original documents of the vehicle.

Let, fresh notice be issued to IO to file fresh report on 22.10.2020.

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.

(**MANOJ KUMAR**)

MM-06(C)/THC/Delhi/20.10.2020

20.10.2020

Through Video conferencing at 10:50 am.

Present : Ld. APP for the State has joined through Cisco Webex.

Sh. Sitanshu Gaur, Ld. Counsel on behalf of applicant/accused Sahil 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. Counsel argued that recovery has already been effected and as per his knowledge, applicant/accused is involved in only three other cases. He further argued that applicant/accused is suffering from HIV and Hepatitis-B and his condition is serious in jail. Therefore, he should be granted bail in this matter.

IO has filed previous involvement of accused. Despite notice to the IO to file report regarding the status of applicant/accused in other cases, no specific report 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 other cases.

Submissions of both sides heard.

The recovery has already been effected. Investigation qua applicant/accused in the present case is almost complete. So, no purpose would be served by keeping the accused behind bars. Therefore, applicant/accused 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. 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/20.10.2020

20.10.2020

Present : Ld. APP for the State has joined through Cisco Webex.

None has joined meeting on behalf of applicant/accused Rashid Chauhan @ Kalia through Cisco Webex.

Ld. Counsel for accused has moved an an application on behalf of applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

Reply of IO has been filed. Charge-sheet already on record.

I have perused the charge-sheet and considered the submission 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 ware not part of case property or which are not proceeds of crime** or required for investigation after consultation with IO.

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.

(MANOJ KUMAR)

MM-06(C)/THC/Delhi/20.10.2020