

05.11.2020

**Through Video conferencing at 10:15 am.**

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.  
Sh. Neeraj Sharma, Ld. Counsel on behalf of applicant Rajesh Kumar has joined through Cisco Webex.

This is an application for permission to sell the Maxi Truck and for removal of the endorsement of superdari on the RC taken/released on superdari.

At request of Ld. LAC for the accused, let the matter be put up for physical hearing on 20.11.2020.

Copy of order be uploaded on Delhi District Court website.

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signed by  
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(MANOJ KUMAR)  
MANOJ KUMAR (C)/THC/Delhi/05.11.2020  
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05.11.2020

**Through Video conferencing at 10:05 am.**

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.  
Sh. Vineet Malhotra, Ld. Counsel on behalf of applicants/accused persons  
Sunny and Sagar has joined through Cisco Webex.

Vide this common order, I am disposing off two separate bail applications of applicant Sunny and Sagar.

These are two applications under Section 437 Cr. PC for grant of bail of applicants/accused persons wherein it has been submitted that applicants/accused persons has been falsely implicated and they are in JC since 31.10.2020. Ld. Counsel argued that both accused persons are temporary employees of MCD and they have clean antecedent. He further argued that recovery has already been effected. Therefore, they should be granted bail in this matter.

Reply of IO has been filed electronically. Copy of same supplied to Ld. Counsel for applicant/accused. Perusal of the same shows that wrong sections of IPC has been mentioned on the top of the reply by IO. Nothing has been mentioned by the IO regarding previous involvement of accused persons. However, Ld. APP for the State vehemently opposed the present bail applications stating that accused persons stole CCTV cameras belonging to the Delhi Government.

Submissions of both sides heard.

Considering that recovery has already been effected and applicants/accused persons are not found involved in any other case, so no purpose would be served by keeping the accused persons behind bars. Therefore, they are 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.

This Court time and again observed that IOs not filing the reply of bail application in a proper manner. They do not state the entire facts of the case nor they mention the previous involvement of accused persons. The concerned SHOs have already been intimated in this regard, but nothing substantial has been done by them.

Under these circumstances, let copy of this order along-with copy of reply of IO be sent to concerned DCP for necessary action and compliance.

Applications stand 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 and concerned DCP. 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/05.11.2020

05.11.2020

**Through Video conferencing at 10:20 am.**

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.  
Sh. Manoj Kumar Yadav, Ld. Counsel on behalf of applicant/accused Tejas Yashwant Parmar 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 16.10.2020. Ld. Counsel argued that incident pertains to the year 2016 and as per the story of the prosecution, the applicant/accused was the account holder in which a sum of Rs.1 lakh was transferred by one Amar Nath through NEFT. He further argued that the entire money was withdrawn by co-accused and only Rs.3,000/- got left in the account. He further argued that present applicant/accused was manipulated by co-accused and his account/debit card used by the co-accused. He further argued that applicant/accused has been falsely implicated in on another FIR of Gurgaon. Therefore, he should be granted bail in this matter.

Reply of IO has been filed electronically. Copy of same supplied to Ld. Counsel for applicant/accused. Ld. APP for the State vehemently opposed the present bail application stating that present applicant/accused along-with co-accused cheated the complainant for a sum of Rs.1 lakh. He further argued that applicant/accused is involved in one another similar other case.

Submissions of both sides heard.

There is prima-facie evidence that applicant/accused is the account holder in which the sum of Rs.1 lakh transferred by the complainant. The applicant/accused also found involved in similar other case. Prima-facie, it seems that both accused persons conspired together and cheated the complainant. 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.

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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MM-06(C)/THC/Delhi/05.11.2020

05.11.2020

**Through Video conferencing at 10:25 am.**

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

Applicant Rohit Sehgal has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to applicant electronically.

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.

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MM-06(C)/THC/Delhi/05.11.2020

05.11.2020

**Through Video conferencing at 10:10 am.**

Present : Sh. Vikram Dubey, Ld. APP for the State has joined through Cisco Webex.  
Sh. M.Z. Qureshi, Ld. Counsel on behalf of applicant/accused Sabban has  
joined through Cisco Webex.

This is an application for releasing the accused on personal bond.

At request of Ld. LAC for the accused, let the matter be put up for physical  
hearing on 07.11.2020.

Copy of order be uploaded on Delhi District Court website.

MANOJ KUMAR Digitally signed by MANOJ KUMAR (MANOJ KUMAR)  
Date: 2020.11.05 13:04:16 +0530 MM-06(C)/THC/Delhi/05.11.2020

05.11.2020

**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 Jai Kishan @ Jakky 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 15.09.2020. Ld. Counsel argued that applicant/accused not involved in any other case. He further argued that co-accused has already been granted bail by this Court vide order dated 03.11.2020. He further argued that charge-sheet has already been filed. Therefore, he should be granted bail in this matter.

Submissions of both sides heard.

Considering that charge-sheet has been filed and trial will take some time, so, I am of the considered view that 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.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 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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Date:  
2020.11.05  
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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/05.11.2020