

FIR No.0109/2021

PS Patel Nagar

U/s 392/34 IPC

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Applicant Manoj Kumar with Ld. Counsel.

An application for release/return the articles I.e. one gold ring and Rs. 2800/- cash on superdari.

Reply has been filed by the IO wherein it has been stated that the said gold ring has been sold by the accused persons for Rs. 5000/- to unknown person and spent Rs.800/-. It is further stated that the gold ring could not be recovered despite best efforts. The total of Rs.7000/- have been recovered from the possession of the accused Kundan. IO further stated that he has no objection to release Rs.7000/- to the complainant.

Instead of releasing the articles on superdari, I am of the considered view that the article 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 Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

*"65. The currency notes seized by the police may be released to the person who, in the opinion of the Court, is lawfully entitled to claim after preparing detailed panchnama of the currency notes with their numbers or denomination; taking photographs of the currency notes; and taking a security bond.*

*66. The photographs of such currency notes should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over and memo of the proceedings be prepared which must be signed by the parties and witnesses.*

*67. The production of the currency notes during the course of the trial should not be insisted upon and the release should be permitted to use the currency.*



IO is directed to follow the afore-mentioned directions of the Honble High Court of Delhi and the applicant/victim further directed to furnish indemnity bond of Rs.7000/- to the SHO concerned and SHO concerned is directed to file indemnity bond alongwith the charge-sheet.

Application is disposed off accordingly.

Copy of the order be given dasti.

मनोज राम

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



FIR No.0020/21

PS Ranjit Nagar

U/s 392/411/34 IPC

State Vs. Rohan @ Prince

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Ld. Counsel for the accused(through CISCO Webex).

An application for interim bail for period of 90 days of the accused has been moved.

Reply to the interim bail application received from IO. Reply perused.

Arguments heard on interim bail application from both sides.

Ld. Counsel for accused submits that accused has been falsely implicated in the present case.

1. Applicant/accused Rohan @ Prince was arrested on snatching of Rs.400 and Adhar card.

2. IO has strongly opposed the bail application and submitted that the accused committed heinous crime of snatching and habitual offender.

3. In view of the guidelines of High Powered Committee of Honble High Court of Delhi, the interim bail application is allowed subject to the condition that applicant/accused will appear and mark his attendance in PS Ranjit Nagar once every 14 days for next three months. If the applicant/accused fails to mark his attendance in PS once every 14 days for next three months, his interim bail will be reconsidered and may be cancelled, on the report of concerned SHO.

4. Applicant/accused is admitted to interim bail for period of three months on furnishing of personal bond of Rs. 25,000/- to the satisfaction of Jail Superintendent on the following conditions.



(i) The applicant/accused shall not attempt to contact, threaten or otherwise influence the complainant.

(ii) The applicant/accused shall maintain good and peaceful behaviour.

The applicant/accused shall surrender before the concerned Jail Superintendent on expiry of interim bail of three months or on ,, whichever is earlier.

The application is disposed off.

Copy of this order be sent to the concerned Jail Superintendent concerned for intimation.

Copy of this order be also sent to the IO and Ld. Counsel for applicant/accused as prayed for.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



PS Punjabi Bagh

U/s 356/379/34 IPC

State Vs. Shahzad @ Mulla & ors.

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Accused – Shahzad @ Mulla and Vikas produced from PC remand.

IO SI Jatin in person with case file.

Arrest memos, seizure memos and personal search memos seen.

MLC of the accused persons seen which remarks no fresh injuries.

The factum of the arrest of the accused persons has intimated to their brother and wife

IO SI Jatin moved an application for release the aforesaid accused persons from custody.

It is submitted by the IO that complainant refused to participate in the TIP proceedings and no recovery has been effected from the accused persons. It is further submitted that there are no incriminating evidence against the accused persons. Hence, request is made to release the accused persons from custody.

In view of the above, the application is hereby allowed. Accused persons namely Shahzad @ Mulla and Vikas are released from the present case. They be released from custody/JC if not required in any case.

Application disposed off accordingly.

Copy of the order be given dasti to the IO.

A copy of this order be sent to the Jail Superintendent concerned for information and immediate compliance.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021

PS Punjabi Bagh  
U/s 356/379 IPC  
State Vs. Vikas

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

SI Jatin on behalf of IO SI Sudhir Rathi.

Accused produced after fresh arrest.

IO has filed an application seeking 14-days JC remand of accused.

Arrest memo seen. MLC done with the remarks no fresh injuries.

The factum of the arrest is informed to brother of the accused.

Heard. Record perused.

In view of the reasons stated in the application there are sufficient grounds that the accused may commit further offence, he may induce, threat or promise to any person for acquainted with the facts of the case so as to dissuade him from disclosing such facts to the courts or to the police officers and to conduct proper investigation of the offence.

Therefore, the accused is remanded to JC till 03.06.2021.

Accused be produced before the concerned Court/Duty MM on  
03.06.2021.

Copy of this order be given dasti to the IO.



(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



FIR No.286/21

PS Ranhola

U/s 153-A/429/34 IPC & 4/12 DACP Act & 11.1(L) PCA Act

State Vs. Tanjeem

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Accused is stated to be in JC.

Sh. S. S. Malik, Ld. Counsel for accused.

IO ASI Rajkumar in person.

IO has moved an application for production warrant of the accused in FIR no.286/21 PS Ranhola, u/s 153-A/429/34 IPC & 4/12 DACP Act & 11.1(L) PCA Act.

Let production warrants be issued against the accused person through VC.

Let necessary intimation be sent to the Jail Superintendent concerned to do the needful.

Jail Superintendent concerned is directed to produce the accused person through VC on NDOH.

Be put up on 21.05.2021.

Copy of this order be given dasti to the IO.

*Received*

*by*

*f*  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021

FIR No.988/2020

PS Punjabi Bagh

U/s 380/457 IPC

State Vs. Vakeel

20.05.2021

**This is application for grant of bail on behalf of the accused/applicant Vakeel.**

Present : Ld. APP for the State(through CISCO Webex).

Mr. Javed Khan, Ld. Counsel for accused/applicant(through CISCO Webex).

Reply has been filed by the IO.

Ld. Counsel for accused has moved an application u/s 437 Cr.P.C for grant of regular bail to the applicant. It is submitted that the accused/applicant is falsely implicated in this case.

Per contra, Ld. APP has opposed the application stating that the accused may commit the same offence if release on bail.

Arguments heard. Application and reply perused.

In view of the arguments submitted by Ld. Counsel for accused and the facts on record for the present case. It is unlikely that the accused will flee from justice and evade appearance before the court. IO has not stated the previous involvements of the accused. On the contrary, Ld. Counsel for the accused submits that there is no previous involvement of the accused. In view of the current extraordinary pandemic situation, I deem it fit to admit the accused on bail on fulfilling the following conditions:

1. That he shall not indulge into similar offence or any offence in the event of release on bail.
2. That he shall not tamper with the evidences in any manner.
3. That in case of change of his residential address, he shall intimate the court about the same, and
4. That he shall regular appear before this court on each and every date of hearing.

*A*

*Shivendra*

*Dilwan  
Akhth*



5. Accused shall furnish Bail bond and surety bond for the sum of Rs.20,000/- with one surety in like amount.

Copy of order be supplied to the counsel for accused through electronic mode.

Application be disposed of accordingly.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021

*Shankar* / *Dilip*

FIR No. 187/2021  
PS : Tilak Nagar

19.05.2021

Present : None for the State.

Ld. Counsel for the accused.

Verification report not received.

IO / SHO is directed to file verification report positively on or before 20.05.2021.

*OS*  
(Dr. OMPAL SHOKEEN)  
Duty MM-II, West Dist, THC, Delhi  
19.05.2021.

20.05.2021

*Pr.* Ld. Counsel for accused  
alongwith surety.

verification report seen. Surety  
Bond accepted. Release warrant  
be prepared / issued. Put up  
before concerned court on 21/05/2021  
for consideration (after 90 days of bail)

महानगर दण्डाधिकारी-01 (एन आई एक्ट) तीस हवारी, दिल्ली  
Metropolitan Magistrate-01 (NI Act) THC, Delhi

20/05/2021



U/s 356/379/411 IPC

State Vs. Dilip Kumar

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Sh. Lalit Kumar, Ld. Counsel for applicant/accused.

Ld. Counsel for accused/applicant has moved two separate applications bearing FIR no.166/21 PS Moti Nagar and FIR no.416/20 PS Kirti Nagar seeking status report with respect to the release of the accused from Jail.

It has been submitted by the Ld. Counsel in the application that on 17.05.2021 Ld. District & Session Judge, Tis Hazari was pleased to release the accused on bail in FIR no.166/2021, PS Moti Nagar and the Ld. CMM West was pleased to grant him bail on the same dated in FIR no.416/2020 PS Kirti Nagar. It has been further submitted that bail bonds were furnished before Ld. Duty MM issued release order on 17.05.2021.

Vide order of Ld. Duty MM dated 17.05.2021, bail bonds were accepted till 20.05.2021 and IO/SHO was directed to verify surety and security and file report on 20.05.2021.

It is pertinent to mention that the Ld. Duty MM specifically directed that this order be treated as release warrant. However, Ld. Counsel for accused submits that accused is still languishing in Jail despite the release warrant issued by Ld. Duty MM on 17.05.2021.

Let status report be called from the Jail Superintendent concerned on or before 21.05.2021.



(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



PS Punjabi Bagh

U/s 379 IPC

20.05.2021

***This is an application for releasing vehicle No. DL-11ST-9939 on superdari.***

Present:- Ld. APP for the State(through CISCO Webex).

Applicant Monu Sharma in person.

Report has been filed on behalf of IO. Same be taken on record. Heard.

Perused.

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 Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

*"1. 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.*

*2. 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.*

*3. 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.*

*4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.*

*5. 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.*





6. 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 higher courts, vehicle No. **DL-11ST-9939** in question be released to the rightful/registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

गुणेश्वर  
निदेशक

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021

FIR No.191/2021

PS. Mundka

U/s. 392/34 IPC

State Vs. Amit

20.05.2021

**This is application u/s 437 CrP.C for grant of bail on behalf of applicant/accused Amit.**

Present : Ld. APP for the State(through CISCO Webex).

Sh. A. K. Sharma, Ld. Counsel for applicant/accused.

An application u/s 437 CrP.C for grant of bail on behalf of applicant/accused has been moved.

At this stage, counsel for applicant/accused submits that the application may be disposed off as withdrawn.

In view of above, application stands disposed off as withdrawn.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



FIR No.192/2021

PS. Mundka

U/s. 392/34 IPC

State Vs. Amit

20.05.2021

**This is application u/s 437 CrP.C for grant of bail on behalf of applicant/accused Amit.**

Present : Ld. APP for the State(through CISCO Webex).

Sh. A. K. Sharma, Ld. Counsel for applicant/accused.

An application u/s 437 CrP.C for grant of bail on behalf of applicant/accused has been moved.

At this stage, counsel for applicant/accused submits that the application may be disposed off as withdrawn.

In view of above, application stands disposed off as withdrawn.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021

PS Kirti Nagar  
U/s 356/379/411 IPC  
State Vs. Dilip Kumar

20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Sh. Lalit Kumar, Ld. Counsel for applicant/accused.

Ld. Counsel for accused/applicant has moved two separate applications bearing FIR no.166/21 PS Moti Nagar and FIR no.416/20 PS Kirti Nagar seeking status report with respect to the release of the accused from Jail.

It has been submitted by the Ld. Counsel in the application that on 17.05.2021 Ld. District & Session Judge, Tis Hazari was pleased to release the accused on bail in FIR no.166/2021, PS Moti Nagar and the Ld. CMM West was pleased to grant him bail on the same dated in FIR no.416/2020 PS Kirti Nagar. It has been further submitted that bail bonds were furnished before Ld. Duty MM issued release order on 17.05.2021.

Vide order of Ld. Duty MM dated 17.05.2021, bail bonds were accepted till 20.05.2021 and IO/SHO was directed to verify surety and security and file report on 20.05.2021.

It is pertinent to mention that the Ld. Duty MM specifically directed that this order be treated as release warrant. However, Ld. Counsel for accused submits that accused is still languishing in Jail despite the release warrant issued by Ld. Duty MM on 17.05.2021.

Let status report be called from the Jail Superintendent concerned on or before 21.05.2021.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021



20.05.2021

Present : Ld. APP for the State(through CISCO Webex).

Sh. Rakesh Beniwal, Ld. Counsel for applicant in person(through CISCO Webex).

An application has been moved to release the vehicle bearing no. HR-61D-8018 on superdari.

IO has filed report which stated that the verification of insurance RC, DL, Permit and fitness are not yet verified yet. IO has requested not to release the above said vehicle.

Ld. Counsel for applicant submits that verification of the said documents could have been done online also. However, the IO has not taken any steps to verify the said documents.

On the contrary, Ld. APP submits that due to lock-down, the said documents could not be verified.

Arguments heard. Record perused.

It is well settled that the vehicle on superdari must be released as per rules to the rightful owner of the vehicle only and that verification of the RC, ownership of the said vehicle could not be ascertained. Therefore, **SHO is directed to verify the insurance, RC, DL, Permit and fitness within two days and submit the report before the concerned Duty MM on 22.05.2021.**

A copy of this order be sent to the Ld. Counsel for the applicant on his email ID.

Be put up before the concerned Duty MM on 22.05.2021.

  
(P. BHARGAV RAO)  
DutyMM-II/WEST/DELHI  
20.05.2021