

22.07.2020

(Through Video Conferencing at 11.15 am)

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Anuj @ Kunal.

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

Mr. S.P. Sharma, Id. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused Anuj @ Kunal. Ld. Counsel for accused has argued that applicant/accused has been arrested only on the basis of disclosure statement of co-accused. He further argued that nothing has been recovered from the possession/at the instance of accused. He further argued that accused has been falsely implicated in the present case. Therefore, it has been prayed that the accused be released on bail.

Reply of IO has been filed electronically. Perusal of reply shows that accused has been arrested on the disclosure statement of co-accused and case property of other cases got recovered at the instance of present accused.

Submissions heard. Perused.

Considering that nothing has been recovered at the instance of accused in the present case. So, no purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 15,000/- with one surety of like amount 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 induced, give threat. or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not temper 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/accused. The printout of the application, reply and order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/22.07.2020

FIR No. 143/2020
PS- Sadar Bazar

22.07.2020

(Through Video Conferencing at 11.30 am)

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

Mohd. Illahi, Id. Counsel for applicant joined through Cisco Webex.

Copy of FIR has been sent to Ld. counsel for the applicant through e-mail.

At this stage, Ld. Counsel for applicant wants to withdraw the present application.

Heard. Request is allowed. So, the present application stands disposed off as withdrawn.

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

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/22.07.2020

22.07.2020

(Through Video Conferencing at 11.05 am)

This is an application for releasing of mobile phone.

Present : Ld. APP for the State joined on Cisco Webex.

Applicant has not joined on Cisco Webex despite information.

IO has filed his reply 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.

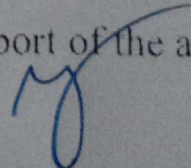
Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638. "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (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.

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

(MANOJ KUMAR)
MM-6(C)/THC/Delhi/22.07.2020

e-FIR No.: 39330/19
PS- Sadar Bazar
State Vs. Anuj @ Kunal
U/s 379/411/34 IPC

22.07.2020

(Through Video Conferencing at 11.15 am)

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Anuj @ Kunal.

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

Mr. S.P. Sharma, Id. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused Anuj @ Kunal. Ld. Counsel for accused has argued that applicant/accused has been arrested only on the basis of disclosure statement of co-accused. He further argued that nothing has been recovered from the possession/at the instance of accused. He further argued that accused has been falsely implicated in the present case. Therefore, it has been prayed that the accused be released on bail.

Reply of IO has been filed electronically. Perusal of reply shows that accused has been arrested on the disclosure statement of co-accused and case property of other cases got recovered at the instance of present accused.

Submissions heard. Perused.

Considering that nothing has been recovered at the instance of accused in the present case. So, no purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 15,000/- with one surety of like amount 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 induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not temper 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/accused. The printout of the application, reply and order be kept for records and be tagged with the final report.

(MANOJ KUMAR)

MM-6(C)/THC/Delhi/22.07.2020

FIR No.: 299/2020
PS- Civil Lines
State Vs. Seema
U/s 33 Delhi Excise Act

22.07.2020

(Through Video Conferencing at 11.10 am)

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Seema.

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

Mr. Devender, Id. Counsel for applicant/accused joined through Cisco Webex.

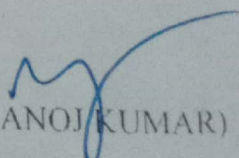
This is an application for grant of bail to the applicant/accused Seema. Ld. Counsel for accused has argued that applicant/accused is in J/C since 20.07.2020. He further argued that accused is a female of 48 years of age and suffering from diabetes and blood pressure. He further argued that she has been falsely implicated in the present case. Therefore, it has been prayed that the accused be released on bail.

Reply of IO has been filed electronically. Perusal of reply shows that accused is a habitual offender and involved in several other similar cases.

Submissions heard. Perused.

Considering that illicit liquor got recovered from the possession at the instance of accused and she is found involved in several other similar cases. So, at this stage, I am not inclined to grant bail. The present bail application stands dismissed.

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


(MANOJ KUMAR)

MM-6(C)/THC/Delhi/22.07.2020