

06.10.2020 (1<sup>st</sup> Session at 10.30 am)

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No. DJ(HQ)/Covid Lockdown/Physical Courts Roaster/2020 dated 30.08.2020.

Present : Ld. APP for State.

None on behalf of applicant.

This is an application for releasing the mobile phone on superdari.

Report has been filed by IO. Perusal of reply shows that the mobile phone has already been released to the applicant on 03.10.2020. Copy of the order has also been annexed with the reply.

Under these circumstances, the present application stands dismissed.

One copy of order be uploaded on CIS. 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/06.10.2020



FIR No. 402/20  
PS – Civil Lines  
U/s 308/427 IPC  
State Vs Manish @ Bona

06.10.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No. DJ(HQ)/Covid Lockdown/Physical Courts Roaster/2020 dated 30.08.2020.

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

Present : Ld. APP for the State.

Mr. Anil Kumar Mishra, ld. Counsel for applicant/accused.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 01.10.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted by Ld. Counsel for accused that accused is not involved in any other case. Therefore, it has been prayed that accused be released on bail.

Reply of IO has been filed. Perusal of reply shows that the accused has hit injured Rahul with a brick due to which injured has suffered serious injuries.

Submissions heard. Perused.

There is specific allegations against the accused. Accused has been apprehended at the spot. Injured/ complainant is still admitted in ICU. Thus, considering the gravity of alleges offence and seriousness of the allegations, this Court is not inclined to grant bail at this stage. Hence, bail application of accused 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 the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

(MANOJ KUMAR)  
MM-06(C)/THC/Delhi/06.10.2020



06.10.2020 (1<sup>st</sup> Session at 12.15 pm)

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No. DJ(HQ)/Covid Lockdown/Physical Courts Roaster/2020 dated 30.08.2020.

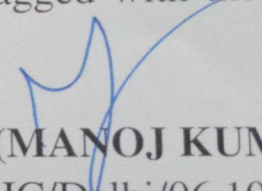
Present : Ld. APP for State.

Mr. Rajesh Maini, Ld. Counse for applicant.

Report has been filed on behalf of IO. Copy of same has been supplied to Ld. Counsel for applicant.

In view of same, the present application stands disposed off.

One copy of order be uploaded on CIS. 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/06.10.2020



06.10.2020

Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No. DJ(HQ)/Covid Lockdown/Physical Courts Roaster/2020 dated 30.08.2020.

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

Present : Ld. APP for the State.

Mr. P.K. Garg, Id. Counsel for applicant/accused.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 25.08.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted by Ld. Counsel for accused that accused is not involved in any other case and investigation is almost complete. It is further submitted that wife of accused is pregnant and there is no one to look after his family. Therefore, it has been prayed that accused be released on bail.

Reply of IO has been filed. Perusal of reply shows that the accused has been apprehended at the instance of complainant and Rs. 2000/- was got recovered from his possession.

Submissions heard. Perused.

There is specific allegations against the accused. Bail application of the accused also got dismissed on 16.09.2020 by this Court. Accused has been apprehended at the instance of the complainant. The FIR got registered U/s 392 IPC. Section 392 IPC entails imprisonment up to 10 years and fine. Thus, considering the gravity of alleges offence and seriousness of the allegations, this Court is not inclined to grant bail at this stage. Hence, bail application of accused 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 the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

(MANOJ KUMAR)  
MM-06(C)/THC/Delhi/06.10.2020



06.10.2020

*Application taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.*

*This is an application for releasing e-Rickshaw bearing No.ST849953 on superdari.*

Present : Ld. APP for the State.

Sh. P.K. Singh, Ld. Counsel on behalf of applicant Gautam Dass.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

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

"68. 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.

69. 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.

70. 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.

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

72. 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.

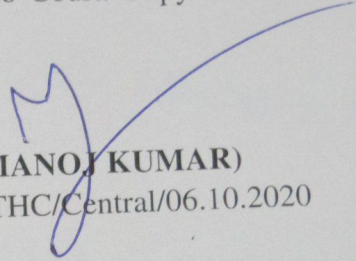
73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

.....Contd/-



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of *Hon'ble High Court of Delhi* in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given to the concerned Naib Court. Copy of order be also sent to the e-mail ID of SHO PS Civil Lines.

  
(MANOJ KUMAR)  
MM-06/THC/Central/06.10.2020



06.10.2020

*Matter taken up physically in view of the circular of Hon'ble District & Sessions Judge (HQ) vide No.DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.*

Present : Ld. APP for the State.

Sh. P.K. Garg, Ld. Counsel for the applicant/accused Aakash @ Golu.

This is an application under Section 437 Cr. P.C. for grant of bail.

Perusal of the case file shows that accused has already been granted bail by this Court vide order dated 31.08.2020.

At this stage, Ld. Counsel for accused submits that he wants to withdraw the present bail application. Separate statement of counsel for applicant is recorded. In view of the statement, present application is dismissed as withdrawn.

(MANOJ KUMAR)

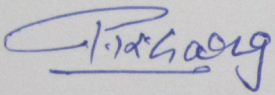
MM-06/THC/Central/06.10.2020

**Statement of Sh. P.K. Garg Adv. Enrollment No.B-1375/04.**

At bar,

I am the counsel for the accused in this case. I want to withdraw the present bail application and liberty may be granted to me for the same.

RO&AC

  
Adv.  
6/10/20

(MANOJ KUMAR)

MM-06/THC/Central/06.10.2020