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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8411/2024**

MUKESH KUMAR SINGH

.....Petitioner

Through: Mr. Puneet Kumar Rai, Advocate *via*
video-conferencing.

versus

THE STATE GNCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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24.10.2024

CRL.M.A. 32132/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8411/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns order dated 16.01.2021 passed by the learned CMM, Dwarka District Courts, New Delhi, to the extent that in the said order the court has imposed a condition, that apart from furnishing an indemnity bond in the sum of Rs. 5,00,000/-, the petitioner would also be required to *furnish an FDR in the sum of Rs. 5,00,000/-* as a condition for releasing the vehicle (which is case property) on *superdari*, to the petitioner.

2. At the outset, upon being queried, Mr. Puneet Kumar Rai, learned counsel appearing for the petitioner *via* video-conferencing explains, that though the impugned order was passed on 16.01.2021, the present



petition has come to be filed only now, with substantial delay, since from 18.08.2020 to 22.07.2024, the petitioner was in judicial custody and though his wife had moved an application before the learned CMM for the same relief, she was unable to pursue that application.

3. Issue notice.
4. Ms. Shubhi Gupta, learned APP appears on behalf of the State on advance copy; accepts notice; and leaves it to the court to pass appropriate orders.
5. Though, no fault can be found with the impugned order to the extent that it has directed the petitioner to furnish an indemnity bond as a condition for release of the vehicle on *superdari* to the petitioner, but since the petitioner has been found to be the rightful owner of the vehicle, in the opinion of this court, it was unnecessary and unjustified for the learned CMM to have imposed a further condition requiring the petitioner to furnish an FDR in the sum of Rs.5,00,000/-.
6. In the circumstances, the petition is allowed, thereby modifying order dated 16.01.2021, *limited to the extent* that the petitioner would not be required to furnish an FDR in the sum of Rs. 5,00,000/-; and the vehicle would be released to him on *superdari* subject to the petitioner fulfilling all other conditions imposed *vide* order dated 16.01.2021.
7. The petition is disposed-of in the above terms.
8. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 24, 2024/V.Rawat