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

Date of Decision: March 04, 2015

+ BAIL APPLN. 433/2015

KAHA

..... Petitioner

Through: Mr. K.G. Sethi, Advocate

versus

STATE, NCT OF DELHI & ANR

..... Respondent

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Deep Chand

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In the case of theft of ₹70,000/- (cash), one diamond necklace, gold chain and other jewellery items, petitioner seeks *pre-arrest* bail in FIR No. 1397/2014 under Sections 380/454 of *IPC* registered at Police Station Malviya Nagar, Delhi.

The allegations against the petitioner are that he committed theft after entering into the house of complainant and had broken the locker in the complainant's house. To seek *pre-arrest* bail, learned counsel for petitioner submits that petitioner is a prime suspect because he was doing the job of whitewashing in the house of complainant and petitioner is innocent and is ready to join investigation and so he deserves the

concession of *pre-arrest* bail.

To submit so, learned counsel for petitioner places reliance on decisions in *Amin Khan Vs. State* 2013 IV (Delhi) 522, *Dinu Bhai Bogha Bhai Vs. State of Gujrat*, 2014 (2) JCC 1333, *Mohd. Fazian Ahamad Vs. State of Bihar*, (2013) 2 S.C.C. 131, *Durjan Singh Vs. State* 2014 (1) JCC 628, *Sherish Hardenia & Ors. Vs. State of M.P. & Anr.* 2014 (2) JCC 1354 and *Mohd. Shakir Vs. State of NCT of Delhi* 2014 (1) JCC 194.

Upon hearing and on perusal of FIR in question and order of 23rd December, 2014 declining *pre-arrest* bail of petitioner, I find that the facts of this case are such which distinguishes the case of the petitioner from the case of other accused persons in the afore-cited decisions.

This application for *pre-arrest* bail is dismissed while not commenting on merits, lest it may prejudice petitioner when he seeks regular bail.

This petition and the pending applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MARCH 04, 2015

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