

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

% *Judgment pronounced on: 3rd June, 2015*

+ **BAIL APPLN. 883/2015**

MUKESH KUMAR PRASAD Petitioner
Through Mr.Kunal Sabharwal, Adv.

versus

STATE Respondent
Through Mr.M.P.Singh, APP for the State
along with SI Sandeep.

CORAM:
HON'BLE MR.JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J.

1. The petitioner has filed the present petition under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail in case FIR No.446/2015, under Sections 392/394/34 IPC, registered at Police Station Shalimar Bagh, Delhi.
2. The contents of the FIR are that in the evening of 2nd April, 2015, Mr.Ved Bansal called upon his Munim (Mr.Ajay Kumar), handed over him a bag filled with Rs.28 lac and asked him to deliver the same to his house in Shalimar Bagh. Mr.Ajay Kumar took the said bag from Mr.Ved Bansal and kept the same in the dicky of his Scooty. Thereafter, Mr.Ajay Kumar called upon the petitioner and simply asked him to accompany. While they both were on their way to BH-77, Shalimar Bagh two persons came from behind on a

motorcycle and hit the Scooty from behind and ran away with the Scooty itself, which contained the bag of Rs.28 lac.

3. Immediately thereafter, the Police was called and the aforesaid FIR was registered with Shalimar Bagh Police Station. The Police recorded the statement of Mr.Ajay Kumar and also interrogated the petitioner. Thereafter, the petitioner and Mr.Ajay Kumar were allowed to go to their respective houses.

4. On 3rd April, 2015, the IO SI Sandeep Kumar came to the office premises of Mr.Ved Bansal and asked the petitioner to accompany him to the Police Station Shalimar Bagh.

5. The contention of the petitioner is that he is not involved in the matter and he was not aware as to what transpired between Mr.Ved Bansal and Mr.Ajay Kumar on 2nd April, 2015 and whether any amount was being handed over to Mr.Ajay Kumar. The petitioner is only a labourer and he was not informed that Mr.Ajay Kumar was going to deliver a bag of Rs.28 lac to Shalimar Bagh. He has denied that he was part of conspiracy and the entire case set up by the Police against the petitioner is solely based on apprehension and assumption. He is in custody since 3rd April, 2015.

6. Status report has been filed in the matter which discloses that during the investigation, a sum of Rs.2 lac was recovered from the petitioner and co-accused Gulfam @ Vicky each and Rs.3 lac from the house of Usha Devi. It is also specifically stated that CDR of the accused Satyadev @ karan and the petitioner was collected which shows the conversation between Satyadev and the petitioner.

7. It appears from the record that the petitioner has been arrested on 3rd April, 2015 and other co-accused are yet to be arrested. CDR is also shown at the time of hearing of the present application. Money is also to be recovered. Therefore, I am not inclined to grant bail to the petitioner at this stage. However, the Police is also directed to file the final charge sheet within a period of two months from today. The petitioner would be liberty to file fresh bail application before the trial Court thereafter. The present bail application is dismissed.

8. *Dasti, under the signatures of Court Master.*

(MANMOHAN SINGH)
JUDGE

JUNE 03, 2015