

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1933/2015**

Date of Decision : October 09th, 2015

GOPAL @ AJAY Petitioner

Through: Mr.Jitender Tyagi, Adv. with
Mr.Rajesh Pandey, Adv.

versus

STATE OF NCT OF DELHI Respondent
Through: Ms.Manjeet Arya, APP for the State.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present application has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1908 for the grant of regular bail in FIR No.45/2012, Police Station Kalkaji, under Sections 395/397/412/120-B/34 of the Indian Penal Code.
2. The facts, in brief, are that the complainant Vijay Sarpal made statement before the police that on the day of incident, he returned back to his house after collecting money from his shop. His servant Bahadur came out of the house to take money from the car. During the process of taking out money, 3-4 boys came in a car. One of the boy dragged Bahadur by his neck and another boy showed a pistol

like object and snatched the bags containing cash and fled away. In one bag, there was cash of Rs.7 lakhs while in other bag there was cash of Rs.3 lakhs along with other documents. On the basis of statement of the complainant, FIR of the present case was registered.

3. During investigation, accused Pappu Kumar was arrested and he disclosed the name of his associate as Guddu. A sum of Rs.47,000/- was recovered at his instance. Thereafter, accused Jubair Ahamad @ Raja and Gopay @ Ajay were arrested. At the instance of accused Jubair Ahamad @ Raja, cash of Rs.18,500/- and shop papers were recovered, whereas two cheque books and Rs.21,500/- were recovered from accused Gopal @ Ajay. Thereafter, remaining accused Rahul Balmiki, Rajendera @ Arjun and Annu were arrested. Thereafter, accused Ramji Lal was arrested. Accused persons were identified by the complainant. After completion of investigation charge-sheet was filed.

4. Arguments advanced by the learned counsel for the petitioner and the learned APP for the State were heard.

5. The grounds taken by the petitioner are that the petitioner is in custody since 03.03.2012; the prosecution evidence is still not

complete; recovery was effected after a long time; co-accused Rahul has already been granted bail; no recovery of weapon was effected from the possession of the petitioner; further detention of the petitioner is not required as all the material witnesses have already been examined.

6. On the other hand, learned APP for the State opposed the bail application on the ground that the petitioner and his co-accused persons committed dacoity of cash and other articles from the complainant and that is too at a gun point. The offence alleged against the petitioner is serious in nature and he does not deserve the concession of bail.

7. Perusal of record reveals that the investigation of the case has already been completed. The charge sheet has already been filed and the trial is going on. The case is at the stage of prosecution evidence. The petitioner is behind the bars for the last more than 43 months. Since the case is still at the stage of prosecution evidence and the conclusion of trial is likely to take time, no fruitful purpose would be served to keep the accused behind the bars for an indefinite period.

8. In the facts and circumstances mentioned above, the

petitioner/accused is admitted to bail on furnishing the personal bond in the sum of Rs.50,000/- with two sureties each in the like amount to the satisfaction of the Trial Court concerned. The petitioner is directed not to tamper with the evidence, not to influence the prosecution witnesses and shall not leave the country without prior permission of the Court concerned.

9. The application is disposed of accordingly. However, it is made clear that the observations made above shall not affect the merits of the case.

(P.S.TEJI)
JUDGE

OCTOBER 09, 2015
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