

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

+ **BAIL APPLN. 2095/2015**

Date of Decision : October 19th, 2015

VIJAY KUMAR

..... Petitioner

Through: Mr.Pradyumna Singh, Adv.

versus

STATE

..... Respondent

Through: Ms.Panna Lal Sharma, APP.
HC Maharaj Singh, PS Anand Vihar
Metro.

**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 read with Section 482 of the Code of Criminal Procedure, 1973 for the grant of regular bail in FIR No.92/2015, Police Station Anand Vihar Railway Station, under Sections 379/411 of the Indian Penal Code.

2. The facts, in brief, are that the complainant, namely, Poonam Toppo made statement before the police that on 09.06.2015, she was going to her home by Jharkhand Express train and she was waiting for the train and during this, her mobile phone got discharged. Due to

this, she went to charge her mobile phone. After about 10 minutes, she came back and saw that her bag was missing. She also stated that there were original documents, laptop, gold ear ring and digital camera in her bag which was stolen. On the basis of statement of the complainant, FIR of the present case was registered.

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

4. The arguments advanced by the counsel for the petitioner are that he is innocent and has been falsely implicated in the present case. Earlier, the petitioner had moved two bail applications which were dismissed on 14.09.2015 and 23.09.2015. The petitioner was arrested on 20.08.2015 in FIR No.127/2015 when he was at the railway station for proceeding to his native village and under suspicion, he was arrested. The petitioner is working in a private company and he is the only earning member of his family, having responsibility of his wife and three children. The wife of the petitioner has been operated and the presence of the petitioner is required as there is no other male member in the family. The alleged recovery has been planted one.

5. On the other hand, learned APP for the State has opposed the

bail application on the ground that stolen property was recovered from the possession of the petitioner/accused. The accused was apprehended while committing theft in another case and later on he disclosed that he had stolen the bag of a girl from the railway station and thereafter, he was arrested in the present case.

6. Apparently, the petitioner/accused is in judicial custody since 25.08.2015. The investigation of the case is still going on and charge sheet is yet to be filed. The recovery of the alleged stolen articles has already been affected from the accused and he is no more required for the purpose of custodial interrogation. The trial is yet to commence and no fruitful purpose would be served to keep the petitioner behind the bar.

7. 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.

8. 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 19, 2015
dd