

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

+ **BAIL APPLN. 2159/2015**

Date of Decision : October 12th, 2015

SHASHANK SHARMA @ MAYANK Petitioner

Through Mr.Rahul Mohod and Ms.G. Bhavana
Rao, Advs.

versus

STATE OF DELHI Respondent

Through Mr.Satya Narayan, APP.
SI Anand, PS Civil Lines.

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

P.S.TEJI, J.

1. The present application has been filed by the petitioner/accused under Section 439 of the Code of Criminal Procedure, 1908 for the grant of regular bail in FIR No.217/2015, Police Station Civil Lines, under Sections 392, 511, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The facts, in brief, are that the complainant Avdhesh Shah made a statement before the police that he used to carry goods from the shop Ankit Electronics, Shop No.11/161, New Moti Nagar, Delhi. On the day of incident, he was carrying one washing machine make

Godrej, one cooler make Ken Star, one AC make Godrej, one mixer grinder and one stabiliser in his rickshaw from the shop to be delivered at Ramghat, Wazirabad. When he reached at Shiv Mandir, after crossing red light of Chandgiram Akhara, he stopped for a while for rest. When the complainant was drinking water, two boys came there and unloaded the goods from his rickshaw and started loading the same in a Van. When complainant objected, he was given slaps by those boys. He was also threatened that if he raise the alarm, he would be finished. When a passerby asked the complainant what was the matter, he informed that those boys had looted the goods. In the meanwhile, some police officials came at the spot and both the boys were apprehended.

3. During enquiry, the names of those boys were revealed as Dhirender Deshwal @ Vicky and Shashank Sharma. The robbed goods were found in the parked Van. On the basis of the statement of the complainant, FIR of the present case was registered. Both the accused were arrested. After completion of investigation charge-sheet was filed in the Court.

4. Arguments advanced by the learned counsel for the petitioner

and the learned APP for the State were heard.

5. The counsel for the petitioner/accused argued that he is in custody since 30.05.2015. He was granted interim bail for a period of about 45 days vide order dated 03.08.2015 by the learned Additional Sessions Judge. The co-accused Dhirender Deshwal has already been granted regular bail vide order dated 18.08.2015 by the learned Additional Sessions Judge. The petitioner was arrested from his residence. The investigation is already complete and charge sheet has already been filed. The wife of the petitioner has given birth to a baby in the recent past and there is nobody in the family to take care of the wife and children.

6. On the other hand, learned APP for the State has opposed the bail application on the ground that the petitioner and his co-accused were apprehended from the spot. They have committed the robbery of goods lying in the rickshaw of the complainant after giving him beatings and criminally intimidating him. The robbed articles were recovered from the spot itself. 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 case is still at the initial stage. It is matter of record that investigation qua the petitioner/accused is already complete and he is no more required for the purpose of any further investigation. It is also matter of record that the co-accused has already been released on regular bail.

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 allowed accordingly. However, it is made clear that the observations made above shall not affect the merits of the case.

(P.S.TEJI)
JUDGE

OCTOBER 12, 2015
dd