

\$~15

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

+ BAIL APPLN. 174/2016

SURENDER KUMAR KAMAT

..... Petitioner

Through: Mr.Bhagwan Jha, Advocate

versus

STATE

..... Respondent

Through: Ms.Alpana Pandey, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

18.04.2016

1. By way of this application filed under Section 439 Cr.P.C., petitioner is seeking regular bail in case FIR No. 816/2014 registered under Sections 395/397/411/120-B/34 IPC at PS Sarita Vihar.
2. Status report has been filed by the State.
3. Learned counsel for the petitioner has submitted that investigation in the matter has already been completed. The petitioner has been arrested on the basis of disclosure statement of the co-accused which is not admissible in evidence and so far as petitioner is concerned nothing has been recovered on the basis of his disclosure statement. The alleged place of recovery cannot be connected with the petitioner and he is ready to abide by the terms and conditions that may be imposed.
4. On behalf of the State prayer for release on anticiptory bail has been strongly opposed contending that the modus operandi of the petitioner was

to get one of his associates employed as servant in the house with fake identity and subsequently committed the offence.

5. Learned APP has submitted that in this case also the petitioner got accused Sanjay Rai employed at the house of the complainant with fake name & identity as Vikas. The robbery was committed on 26th November, 2014 as per their plan when only female members of the family were present in the house. It has been further submitted that petitioner has been arrested in case FIR No. 444/2015 registered under Sections 392/34 IPC at PS Amar Colony. During his interrogation in that case he disclosed about his involvement in this occurrence as well and during police remand he led the police to his rented house wherefrom in the presence of the landlord of that house a knife and a dummy pistol was recovered. Apart from that a big plastic bag containing some other articles including pooja thali, silver coin and pearl necklace were also recovered which belong to the complainant. The petitioner in this case has refused to take part in TIP.

6. On his arrest in FIR No.444/2015 and his disclosure in that FIR allegedly reveal his involvement in this occurrence as well. The possibility of his intimidating the witnesses if released on bail cannot be ruled out. The content of FIR reveals that the complainant is Rita Bhatia aged about 55 years, who is a house-wife. On the date of incident while she was watching TV, her mother-in-law, who is unable to walk, was lying on bed in another room whereas the maid servant Asha was standing near the door of the room saying that she was leaving. At that time two-three boys entered the room pushing maid Asha and brought her to the room of the complainant. They had also put something on the back of Asha. In the meantime, two-three other boys also entered and surrounded the complainant. One of those boys

put pistol on the neck of the complainant. Other boys were also armed with knife and pistol. They opened the almirahs and took out the jewellery. They also took Asha to the store room and bolted her there. They also tied the complainant by putting tape on her mouth and locked her in the room. The complainant has also stated that the boy who had put the pistol on her neck had covered his face with a tiny cloth and at that time the complainant questioned Asha as to whether that boy was Vikas and immediately thereafter that boy left saying that he was going down to sleep.

7. Taking into consideration the heinous nature of the crime and the modus operandi adopted to allegedly commit the offence as well as the recovery alleged made from the petitioner, I do not find it to be a fit case to release the petitioner on anticipatory bail.

8. The application is dismissed.

9. Any observations made hereinabove for the purpose of dealing with the contentions raised during hearing of the bail application shall not be deemed to be an expression on merits of the case.

PRATIBHA RANI, J.

APRIL 18, 2016

'pg'