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

+ BAIL APPLN. 325/2016

RAHUL

..... Petitioner

Through: Mr. Rohit Gupta with Mr. Sumant
Manchanda, Advs.

versus

THE STATE

..... Respondent

Through: Ms.Rajni Gupta, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

29.03.2016

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1. The petitioner is seeking regular bail in case FIR no.705/2014, PS Prasad Nagar, under Sections 395/397/411/120-B IPC which has been registered on the statement made by Safal Manna.

2. On behalf of the petitioner, it has been submitted by Sh. Sumant Manchanda, Advocate that there is no absolute evidence against the petitioner which could connect him with the offences reported vide FIR no.705/2014. It is further submitted that the petitioner is a sold bread earner of his family and after his arrest financial position of the family has gone down drastically and they are on the verge of starvation. His mother is also suffering from Tuberculosis (T.B.).

3. Learned counsel for the petitioner has further submitted that the amount of ₹60,000/- shown to have been recovered from him is hard earned money of the petitioner which has been explained in para 7 of this

application by giving the salary details for the period April 2014 to December 2014. He has been framed by the main accused Rahul due to his personal enmity with the family of the petitioner though he was not even present at the place of occurrence and was rather attending the wedding at that time. Learned counsel for the petitioner has submitted that the investigation in the matter is already complete and there is no possibility of his fleeing from justice if granted bail and that the call detailed report (CDR) filed by the State does not prove involvement of the petitioner in this case.

4. A detailed status report has been filed by the State along with CDR showing the number of the times the petitioner had talked from his number to the number of the co-accused as well the locations. Learned APP for the State has further submitted that the petitioner along with co-accused entered into conspiracy to rob the complainant who was carrying jewellery items and the petitioner and his co-accused were in constant touch with their respective mobile numbers 9999560877, 8116115618 and 9711533219.

5. It is further submitted that TIP of the case property i.e. gold ring has been conducted and identified by the complainant. The petitioner and co-accused were in touch with each other as well with the informer Surjeet Adak and that from the petitioner ₹60,000/- was recovered out of his share of the amount of ₹1.5 lacs and that ₹1,28,900/- has been recovered from the accused Surjeet Adak.

6. Taking into consideration the manner in which the offence was allegedly committed on the basis of information given by one of the co-accused and the CDR which shows that the petitioner and his co-accused were in touch with each other at the time of alleged occurrence, I do not find it to be fit case to enlarge the petition on bail in a heinous crime.

7. Bail application is dismissed.
8. Any observations made herein will not be deemed to be an expression on merits of the case.

PRATIBHA RANI, J.

MARCH 29, 2016
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