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

+ CRL.M.C. 3814/2016 & CrI.M.A. 15957/2016

AKASH

..... Petitioner

Represented by: Mr. K.K. Sharma with Mr.
Sanjiv Kumar Saxena, Advs.

versus

STATE

..... Respondent

Represented by: Mr. Hirein Sharma, APP.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.12.2016

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1. After some arguments, learned counsel for the petitioner submits that the present petition be treated as a petition for seeking anticipatory bail only and in case a charge sheet is filed against the petitioner, he would take remedies as available in law.

2. FIR No.396/2015 under Sections 392/34 IPC was registered on the complaint of one Milan Sharma who alleged that on 10th August, 2015 at about 1.10 PM while he was going to Punjab National Bank, GT Road, Shahdara for depositing cash ₹17.90 lakhs and cheque of ₹12.10 lakhs, four boys came on a motorcycle and a scooty and forcibly robbed his bag containing the aforesaid amount and fled from the spot thereafter. The mobile phone of one Yogesh Kumar was found at the spot on the basis of which he was arrested and ₹4 lakhs, robbed bag and scooty which was used in the commission of offence were recovered. Yogesh Kumar disclosed

that he along with his four associates namely Pramod Kumar, Akash Kumar, Sonu and Ankit committed the crime. Later Pramod Kumar, Akash Kumar and Sonu were also arrested and ₹6.5 lakhs cash was recovered at their instance. Sections 395 and 412 IPC were also added to the FIR. In the statement, Yogesh Kumar stated that one of their associate was Ankit S/o Binder R/o B-4/142, Nand Nagri, Delhi. When efforts were made to arrest the petitioner, the petitioner filed the present petition claiming that he was not Ankit but Akash though the parentage and address were same. This Court granted interim protection to the petitioner and the petitioner joined the investigation. TIP was conducted during investigation in which the complainant stated that since the incident was now more than 1 year old, he was not in a position to identify them.

3. Be that as it may, the petitioner has participated in the investigation and it will be for the investigating officer to come to the conclusion on the material which has been collected during investigation and will be further collected to see whether the same is sufficient to charge sheet the petitioner for the offences alleged. However, considering the fact that the name of the petitioner erupted only in the disclosure statement and though parentage and address of the petitioner is same however name is different, this Court deems it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount subject to the satisfaction of Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigating as and when directed and will not leave the Country without prior permission of the Court concerned.

4. Petition and application are disposed of.
5. Order dasti.

DECEMBER 15, 2016
'v mittal'

MUKTA GUPTA, J.