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

+ BAIL APPLN. 1287/2015

MOHD. AYUB

..... Petitioner

Through: Mr.Kapil Singhal, Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr.M.P.Singh, APP.

SI Kulbir, Special Staff, East Distt.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

08.01.2016

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The petitioner seeks anticipatory bail in connection with FIR No.108/2015 (P.S.Vivek Vihar) instituted for the offence under Sections 380/454/411 of the IPC. The prosecution of the petitioner is on the basis of a disclosure made by his brother that after looting the property from the house of the complainant, the looted property was entrusted to the petitioner. The petitioner has denied the aforesaid allegation and submits that he has been made an accused in this case only for the reason that his brother has been made an accused in this case.

While opposing the prayer for anticipatory bail of the petitioner, Mr.M.P.Singh, learned APP submitted that not only the petitioner has misappropriated the stolen articles but has also threatened the informant of dire consequences in case he did not compound the case with his brother or him. An FIR also has been registered against the petitioner for that offence namely FIR No.302/2015 (P.S.Farash Bazar) for offences under Sections 195A/341/506 of the Indian Penal Code. He further submits that custodial

interrogation of the petitioner is required as his presence near about the house of the complainant was seen in the CCTV footage.

Considering the fact that the name of the petitioner transpired only on the disclosure made by one of the accused in custody who is none else but his brother, this Court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner be released on bail in the event of his arrest on his furnishing bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Investigating Officer/SHO of the concerned police station.

In case the petitioner threatens the complainant or any one of the witnesses henceforth or involves himself in cases of similar nature or refuses to participate in the investigation, it would be open for either the complainant or the investigating officer to approach this Court for cancellation of the bail granted to the petitioner.

Application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

JANUARY 08, 2016

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