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

+ **BAIL APPLN. 1211/2016**

ARUN RATHI

..... Petitioner

Through: Mr. Niraj Kumar Singh, Mr. Ashutosh
Shandilya & Mr. Niraj Kumar,
Advocates.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP along with
SI Gajender, PS-Alipur, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

24.01.2017

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The petitioner has preferred the present bail application under Section 438 Cr.P.C. apprehending arrest in case FIR No.649/2015 under Section 380/ 457/ 411/ 34 IPC registered at PS – Alipur.

The case relates to theft of large quantity of electrical goods from a warehouse situated at Village – Hiranki, Delhi, falling within the jurisdiction of PS – Alipur, Delhi. Investigation in the said case revealed that the stolen goods were being sold by one Dinesh Aggarwal s/o Mahabir Prasad, at Siliguri, District – Darjeeling, West-Bengal. The said Dinesh Aggarwal was apprehended and interrogated. He disclosed that he along with Rajesh Periwal s/o Om Prakash were selling the stolen goods and sharing the profits

between themselves.

Rajesh Periwal was arrested and during his interrogation, he stated that his brother-in-law, namely Arun Rathi had provided him the stolen articles. The petitioner is the said brother-in-law Arun Rathi. Rajesh Periwal disclosed that he could get his brother-in-law arrested from his whereabouts at Patna, Bihar. Rajesh Periwal was taken to Patna but the petitioner could not be traced. NBWs were issued against the petitioner but all in vain.

The petitioner's anticipatory bail application preferred before this Court earlier was withdrawn on 09.05.2016. Learned counsel for the petitioner states that the same was withdrawn to be able to file an application before the Trial Court. Subsequently, the application moved before the Trial Court was dismissed on 28.05.2016.

The submission of learned counsel for the petitioner is that the involvement of the petitioner is made out only on the basis of a disclosure statement made by Rajesh Periwal. He submits that the relationship between Rajesh Periwal and the petitioner is not good for the last several years.

On the other hand, Ms. Kolluru submits that in her statement the wife of Rajesh Periwal, who is the sister of the petitioner herein, namely Neetu Periwal has also stated that it was the representative of the petitioner who had brought the stolen electrical articles, and her relationship with her brother is cordial.

Even though the petitioner appears to have joined the investigation in terms of the orders of this Court, it is clear that recovery of stolen articles of a large amount is yet to be made. It is well-settled that interrogation carried

out in custody is qualitatively different from that carried out while the accused is under protection by an order of a Court against arrest. The entire conspiracy is yet to be unravelled.

In these circumstances, I find no merit in this petition and the same is dismissed.

VIPIN SANGHI, J

JANUARY 24, 2017

B.S. Rohella