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

+ **BAIL APPLN. 2624/2016**

MITHUN

..... Petitioner

Through Mr. Nitesh Mehra, Adv. with Mr.
Hitaakshi Mehra, Adv.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through Mr. Ashish Dutta, APP.
SI Sanjay Kaushik PS Sarai Rohilla.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **24.04.2017**

The petitioner seeks bail in connection with FIR No.1088/2015 dated 12.09.2015 (PS Sarai Rohilla) instituted for offences under section 395/412/120-B of the IPC.

The informant and his associates are said to have been robbed of Rs.20 lakhs which they were carrying.

The petitioner submits that he has not been named in the FIR nor any incriminating material was disclosed as against him in the FIR. During the course of investigation, one Rajesh was arrested who claimed himself to be an employee of the complainant and from his possession, an amount of Rs.7,20,000/- was recovered. Later another co-accused was also arrested at the instance of a secret informer from whom certain amount was recovered.

The petitioner is in custody since 30.09.2015. It is submitted that from his possession Rs.1,50,000/- was recovered. The learned counsel for the petitioner submits that while the aforesaid money was recovered from his possession, there was no identification mark on the cash which was looted from the possession of the informant and his associates.

The explanation offered by the petitioner in the first instance was that the amount was bagged by him in a game of committee in which he had participated on an earlier occasion.

Some of the other accused persons are stated to have been released on bail. One Tilak Raj @ Molu has been granted bail by a bench of this Court way back in the year 2015 but nothing was recovered from his possession.

At the trial, two police witnesses have been examined and the complainant was to be examined today. The learned counsel for the petitioner and the counsel for the State are not aware as to what happened today.

However, considering the fact that the petitioner is in custody since 30.09.2015 and that some of the accused persons have been released on bail, this Court is inclined to release the petitioner on bail.

Let the petitioner be released on bail subject to his furnishing a bond in the sum of Rs.25,000/- with two sureties of the like amount, one of the surety to be either his father or mother, to the satisfaction of the Trial Court.

The petitioner, on his release, shall not tamper with any evidence or would try to meet any one of the prosecution side. The petitioner shall also participate in the trial and his absence before the Trial Court on two consecutive occasions, without there being reasonable explanation, would render the bail granted to him to be cancelled.

In case the petitioner is found to be violating or attempting to violate anyone of the conditions of the bail order passed today, it would be open for the state to approach the Trial Court for cancellation of bail.

The application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

APRIL 24, 2017

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