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

+ **BAIL APPLN. 1685/2017**

RAJENDER @ RAJU

..... Petitioner

Through: **Mr.Nikhil Mehta, Advocate.**

versus

STATE

..... Respondent

Through: **Mr.Sanjeev Sabharwal, APP for the
State with SI P.S.Rawat and SI
Deshpal, PS Gandhi Nagar.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.08.2017

Crl.M.a.No.13847/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. By way of this application filed under Section 439 Cr.P.C., the petitioner is seeking regular bail in case FIR No.437/2016 under Sections 392/394/397/411/120-B IPC, PS Gandhi Nagar, Delhi.
2. Notice. Learned APP for the State accepts notice.
3. Status report has been filed by the State.
4. Mr.Nikhil Mehta, learned counsel for the petitioner submits that the role attributed to the petitioner is that he provided the information about the movement of cash from the company Lion Textiles to the bank and recovery

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of ₹5 lacs allegedly from his possession.

5. Learned counsel for the petitioner has submitted that the petitioner was neither involved in the robbery nor used any weapon for committing the offence. He has not been seen in any CCTV footage participating in any occurrence and there was no meeting of mind so as to involve him with the aid of Section 120-B IPC. It has been contended that co-accused Shamim, who was alleged to be the master mind, has already been granted bail.

6. All the contentions raised before this Court were also raised before the learned Addl. Sessions Judge for release of the petitioner Rajender @ Raju on bail.

7. The bail has been declined to the present petitioner for the following reason:-

‘As per prosecution case, four boys on motorcycle robbed Rs.65.00 lacs from the complainant. Father of the applicant used to run tea khokha near Lion Textile and applicant was working with his father at the said khokha. He passed information that the employees of the company would go to the bank for depositing heavy cash to co-accused Shamim @ Pehalwan who hatched conspiracy with co-accused to rob the cash.

The submission that co-accused has been granted bail, has been discussed in the order dated 07.02.2017. At the cost of repetition, it may be re-stated that no recovery was effected from co-accused Shamim and only evidence against him was call detail records. So far as the applicant is concerned, ₹5.00 lacs out of robbed booty has been recovered from his possession. The call detail records also reveals that applicant and co-accused were in regular contact with each other before and after the occurrence. Case is still at an initial stage of trial. Allegations are grave and serious in nature. There has been no material change of circumstance since the dismissal of last bail application on 27.03.2017. I therefore, find no fresh ground for grant of bail to applicant/accused. Application is accordingly, dismissed.’

8. The prosecution's case is that a tea stall (*khoka*) is being run by the father of the petitioner Rajender @ Raju near Lion Textiles Company and the present petitioner was also working with his father on the said tea stall. The information about the heavy cash being transferred from the company to the bank was allegedly given by the present petitioner and in view of his alleged role i.e. providing the information about the movement of cash and alleged recovery of ₹5 lacs from his possession out of the robbed amount, was sufficient reason given by learned Addl. Sessions Judge for declining the bail to the petitioner.
9. Taking into consideration the nature and gravity of the offence, I do not find it to be a fit case to enlarge the petitioner on bail.
10. The application is dismissed.

PRATIBHA RANI, J.

AUGUST 28, 2017
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