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

+ BAIL APPLN. 508/2018
DHEERAJ & ANR

..... Petitioners

Represented by: Mr. R.P. Shukla, Ms. Upasna
Shukla, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Rajni Gupta, APP for
State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **30.07.2018**

1. By this petition, the petitioners Dheeraj @ Chhaiya and Raj Kumar @ Daku seek bail in case FIR No. 253/2017 under Sections 394/397/411/34 IPC registered at Police Station Patel Nagar.

2. The above noted FIR was registered at the complaint of Ms. Kanta Khurana, who alleged that while she was returning from her brother's house after celebrating Raksha Bandhan and reached near staircase of her house, three boys came from behind and tried to snatch her hand bag. When, she opposed the snatching of her hand bag, they started beating her with blows and fists and pushed her. Two boys caught her and third boy snatched her hand bag containing five thousand rupees and her gold chain. She made noise and her son Aman and his co-brother Sammi Gera came there and chased the said boys and the petitioner No. 1/Dheeraj was apprehended at

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the spot with one boy who was a juvenile. One boy succeeded to run away, who was later arrested and his name was revealed as Raj Kumar @ Daku. Out of the two boys apprehended at spot, the petitioner No. 1/Dheeraj was apprehended at the spot, whereas, the petitioner No. 2 was apprehended at the instance of the petitioner No. 1

3. Thus as per the case of the prosecution, the petitioner No. 1 was the person, who was apprehended at the spot and the petitioner No. 2 was apprehended at the instance of the petitioner No. 1. Further, after the arrest of the petitioner No.2, the hand bag containing ₹2600/- was recovered. The petitioner No. 2 refused to join the TIP stating that he was seen by the complainant at the time of commission of offence. Learned counsel for the petitioner submits that the complainant has refused to identify the petitioners as accused. However, in her cross examination, the complainant has admitted that the boys present in the court were the same persons, who were apprehended at the spot by her son, Aman.

4. Further, though, the complainant has been examined, two material witnesses, who immediately chased and apprehended the petitioner No. 1 from near the spot are yet to be examined, thus, this Court finds no ground to grant bail to the petitioners at this stage.

5. Petition dismissed.

MUKTA GUPTA, J.

JULY 30, 2018

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