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

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Judgment delivered on: 17.04.2018

+ **BAIL APPLN. 635/2018**

VIJAY@ NAIM DUTT

..... Petitioner

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Vijay Kinger and Ms Roopa Nagpal
For the Respondent : Ms. Neelam Sharma, APP for the State.
SI Hardeep, PS Bhalswa Dairy.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

17.04.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No.07/2017 under Sections 419/395 IPC, Police Station Bhalswa Dairy. Subsequently, supplementary chargesheet under Sections 419/395 IPC has been filed qua the petitioner.

2. It is submitted that the petitioner has been in custody since 01.09.2017.

3. The allegations in the FIR are that the complainant, who is a truck driver, on 05.01.2017, at about 10.15 am, had taken goods for

transport, he was intercepted by two persons on a motor-cycle. One of the motor-cyclists identified himself as a Traffic Policeman and directed the complainant to stop his vehicle. Thereafter, an altercation took place and the complainant was assaulted. Further, it is contended that 3-4 accompanists of the accused also joined in on another motorcycle.

4. It is alleged that the accused took out Rs.4,000/- from the pocket of the complainant and also wanted to take the keys of the vehicle, which was not handed over and when noise was raised, people from the public joined in. One of the accused was apprehended at the spot and the others ran away.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated and is not even named in the FIR. It is further submitted that as per the FIR, only 3 to 4 persons were involved in the alleged offence and accordingly, the offence of *dacoity* is not made out as the minimum number of persons, required under law, were not allegedly involved. It is submitted that there is no evidence to connect the petitioner with the alleged offence.

6. Learned Additional Public Prosecutor opposes the application and contends that the case has been rightly registered under Section 395 IPC and as per the FIR it is not only 3 to 4 persons but several more who are alleged to have been involved.

7. Without commenting upon the merits of the case, perusal of the records shows that the petitioner has made out a case for grant of regular bail. The petitioner shall be released on bail, if not required in any other case, subject to petitioner furnishing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court.

8. The petitioner shall not do anything, which shall either prejudice the trial or any of the prosecution witnesses. The petitioner along with surety shall provide his permanent address as well as his telephone number to the Investigating Officer. The petitioner shall also report before the concerned SHO on the first Saturday of every alternate month.

9. Order Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

APRIL 17, 2018/१७'