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

+ **BAIL APPLN. 823/2018**

MANOJ KUMAR @ MANNU

..... Petitioner

Represented by: Mr.Sunil Kumar Jha, Advocate

versus

STATE

..... Respondent

Represented by: Ms.Rajni Gupta, APP for the State
with SI Onkar Singh, PS Sagarpur

+ **BAIL APPLN. 1017/2018**

DEEPAK KASHYAP

..... Petitioner

Represented by: Mr.S.C.Sharma and Mr.Charan
Singh, Advocates

versus

STATE (GNCT) OF DELHI

..... Respondent

Represented by: Mr.Amit Ahlawat, APP for the State
with SI Onkar Singh, PS Sagarpur

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.07.2018

1. By these petitions, petitioners seek bail in case FIR No.99/2017 under Sections 392/395/397/411/34 IPC and Section 25 of the Arms Act registered at PS Sagarpur.

2. The abovenoted FIR was registered on the complaint of Jitender Saxena who alleged that he was a distributor of Airtel Prepaid Card running

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his office from B-2/16, Dasharathpuri, Gali No.10, Mahavir Enclave. On 15th April, 2017 at about 3:50 PM he gave ₹15.90 lakhs in a black colour bag to his salesmen namely Deen Dayal and Sonu to deposit the same in Axis Bank, Palam Branch. He also provided them with the scooty for carrying the cash along with them. Deen Dayal was driving the scooty and bag was hanging behind his back and Sonu was sitting on the rear seat of the scooty. At about 3:24 PM Deen Dayal called him and informed that three boys came on motorcycle, looted the cash bag and snatched away the scooty on gun point. He reached the spot and found that Deen Dayal and Sonu had already called up 100 number. During the course of investigation, the four accused namely Ravi Kumar, Ashish, Manoj Kumar @ Mannu and Deepak Kashyap were arrested. Case of the prosecution is that in conspiracy with Ravi Kumar an employee of the complainant, the two petitioners i.e. Manoj Kumar and Deepak Kashyap along with Ashish committed the offence.

3. The petitioners have refused to undergo TIP and were identified by Sonu the victim. This Court has already declined to grant bail to Ashish who was one of the accomplice present at the spot with the two petitioners however has granted bail to Ravi Kumar primarily for the reason that though it was the case of prosecution that on the tip off of Ravi, the three committed the offence however no scientific evidence was available to connect Ravi with the three petitioners.

4. Learned counsel(s) for the petitioners submit that both Manoj and Deepak have not used the weapon of offence which was used by Ashish and thus their role is at par with Ravi Kumar. As noted above, Ravi Kumar was not at the spot and no material has been found in investigation to connect

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him with the offence except the recovery of some amount. Further even the complainant is yet to be cross-examined and the material eye witness namely Sonu has yet to be examined. Even accepting the statement of learned counsel for the petitioners that Deen Dayal has since passed away, for the facts noted above, this Court finds no ground to grant bail to the petitioners.

5. Petitions are dismissed.


MUKTA GUPTA, J.

JULY 19, 2018

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