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

% Judgment delivered on: 21.08.2018

+ BAIL APPLN. 1666/2018

SURJIT MANNA Petitioner

versus

STATE (NCT OF DELHI) Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Tiwari, Advocate.

For the Respondent : Ms. Neelam Sharma, APP for the
State.
SI Prabhanshu, Crime Branch

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
21.08.2018**

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in case FIR No. 314/2017 under Sections 381/328/411/34 IPC, Police Station Karol Bagh (now before the Special Investigation Cell).
2. The allegations in the FIR are that the petitioner, who was an employee of the complainant, had after the complainant left from his

factory, which was that of making gold ornaments, celebrated the birthday of his son and gave some intoxicant to the other workers, after consuming which they became unconscious. In the morning when the complainant returned to his factory, he found that the vault etc. were opened and all the workers were sound asleep as if they were unconscious. On inquiry, it was found that approximately 3.5 kg of gold jewellery, etc. was stolen.

3. As per the prosecution, the recovery of approximately 1.65 kg of gold jewellery, 12 kg gold scrap dust mixed and wax and earth, 6 mobile phones and 5.20 lakhs in cash have been recovered from the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and has clean antecedents. He further submits that the forensic report does not substantiate the allegations insofar as the offences under Section 328 IPC are concerned. He submits that the report of the forensic laboratory of the co-workers has stated that no poison or intoxicant was found. He further submits that the alleged recovery from the petitioner is suspect.

5. Learned counsel for the petitioner submits that since the investigation is complete, there is no possibility of the petitioner influencing the same.

6. The investigation is complete. Charge sheet has already been

filed. Petitioner has been in custody since 11.11.2017.

7. Without commenting upon the merits of the case, on perusal of the record, I am satisfied that the petitioner has made out a case for grant of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.50,000/- along with two sureties of the like amount to the satisfaction of the Trial Court, the petitioner shall be released on bail, if not required in any other case. The petitioner shall not do anything, which may prejudice either the trial or the prosecution witnesses. The petitioner shall not leave the country without the permission of the Trial Court. The petitioner shall also report to the SHO of the concerned Police Station on first Saturday of every month.

8. The petition is disposed of in the above terms.

9. Order Dasti under signatures of the Court Master.

AUGUST 21, 2018
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SANJEEV SACHDEVA, J