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

+ **BAIL APPLN. 1324/2018**

PRATEEK DIPCHANDANI

..... Petitioner

Through: Mr. Sudharshan Rajan, Adv.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Ashish Dutta, APP for the State
with SI Sumer Singh, Spl. Staff West.
Mr. Kartik Khanna, Mr. Lovish
Sharma & Mr. Gobind Malhotra,
Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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18.07.2018

The theft from the residential house of the first informant Mahesh Kapoor took place sometime in April, 2015 when, concededly, with his tacit concern the petitioner and certain others were staying in the said house, he with his family being away to Dehradun. The theft involved loss of jewellery stated to be worth Rs. 1 crore. On the complaint lodged on 23.04.2015 FIR No. 498/2015 was registered by police station Janak Puri. The investigation by the local police not having made headway, the case was transferred to special task force. During the course of investigation carried out at that stage, chance prints were taken from the crime scene, some of them matching with that of the petitioner herein, there being similar report qua one more person Affan Nawaz. The petitioner being one of the suspects

was also subjected to polygraph test, the report whereof is stated to indicate that his responses were “deceptive”. The investigation, however, could not lead to any tangible evidence – direct or indirect showing complicity of anyone including of the petitioner being unearthed. The police filed an untraced report in the court of Metropolitan Magistrate on 13.05.2016. The said report resulted in order dated 07.11.2017 with a direction to the police for further investigation. It is during the course of further investigation that notices were sent under Section 160 Cr.P.C. to the petitioner but he instead applied for anticipatory bail in the Court of Sessions and would not initially appear before the investigating officer. It is, however, confirmed that after he was granted protection against arrest by order dated 31.05.2018, the petitioner has appeared before the investigating officer and was interrogated at length on 02.06.2018. No further evidence incriminating the petitioner, however, is stated to have come up till date.

Mere chance prints at the crime scene, *prima facie*, would not suffice inasmuch as it is well conceded that the petitioner had stayed in the household on the relevant night with the approval of complainant.

In these circumstances, a case for release of the applicant on anticipatory bail is made out.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.25,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;

- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v) This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition is disposed of in above terms.

Dasti.

R.K.GAUBA, J

JULY 18, 2018

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