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

+ **BAIL APPLN. 1404/2018**

SANDEEP VATS

..... Petitioner

Through:Mr.B.S. Rana, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through:Mr. D.N. Chaturvedi, Mr.Pankaj Sinha
and Ms.Ritu Gaur, Advocates for the respondent.
Mr.Pramod Kumar, Advocate for Respondent
No.2

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.06.2018

Crl.M.A. 11442/2018 (exemption)

Exemption is allowed, subject to all just exceptions.

The application is disposed of.

BAIL APPLN. 1404/2018

1. This is an application under Section 438 of the Cr.P.C. seeking anticipatory bail in FIR No.226 of 2018 for the offences punishable under Section 380/454/34 IPC registered at P.S. Mahendra Park .
2. Learned counsel for the petitioner submits that the applicant/accused is the brother-in-law of the complainant Poonam Vats and he is residing

separately at Gurgaon and has no connection with the house of the complainant. On the earlier occasion also, the complainant got an FIR registered against her father-in-law and later settled the matter after receiving Rs.35 lacs, out of his gratuity amount and other savings. On that basis, the anticipatory bail was granted to the father-in-law and later the FIR was quashed by the High Court of Delhi.

3. It has further been contended by learned counsel for the petitioner that even despite the quashing of earlier FIR, the complainant has again falsely implicated her father-in-law, brother-in-law, Rajesh Kumar Gupta, owner of the property, her husband and the present applicant regarding stealing of articles from L-24, Gali No.25, Mahendra Park, Delhi, where the complainant was residing along with her children.

4. Learned APP for the State has filed the Status Report and opposed the bail application. It is stated that despite the fact that in the previous FIR No.444/2017 which was quashed after settlement between the parties, the direction were given vide order dated 15.12.2017 in Bail Application No.1494-1498/2017 that accused persons will not contact the complainant directly or indirectly. He further contended that the statement of neighbour namely Sonu was also recorded who affirmed the above facts of deleting of CCTV footage by the accused persons. The statement of another independent witness Mr.Gurjeet Singh also affirms the factum of trespassing and stealing of the household articles by the accused persons.

5. From the perusal of the record it transpires that NBWs were issued by the trial court on 7.6.2018 against accused persons on the ground that he is not cooperating with the investigation after several reminders. That the complainant Poonam Vats was married with Narender Vats in the year 2002

and have two children. That the testimony of the independent witnesses and the record affirms that the co-accused persons stolen the domestic articles, cash amount of Rs.1,50,000/- gold and silver jewellery and also removed the CCTV camera and delete the CCTV footage of the occurrence which was installed near the house of the complainant

6. Keeping in view the above facts and circumstances and the Status Report filed by the State and the fact that the accused person is not cooperating in the investigation which would hamper the progress of the case, I do not deem it appropriate at this stage to grant anticipatory bail to the accused.

7. The bail application is dismissed.

**SANGITA DHINGRA SEHGAL
VACATION JUDGE**

JUNE 15, 2018

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