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

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Judgment delivered on: 10.12.2018

+ BAIL APPLN. 2011/2018

GAUTAM CHAUHAN

..... Petitioner

versus

THE STATE (GOVT. OF NCT OF DELHI) ..... Respondent

**Advocates who appeared in this case:**

For the Petitioner : Mr. B.P. Sharma with Mr. T.S. Varun  
and Ms. Arehna Sharma, Advocates.

For the Respondent : Mr. Hirein Sharma, APP for the State  
with Insp. Rajesh Johari  
Complainant in person.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**10.12.2018**

**SANJEEV SACHDEVA, J. (ORAL)**

**BAIL APPLN. 2011/2018 & Crl.M.(Bail) 1395/2018 (for interim bail)**

1. Petitioner seeks regular bail in FIR No.336/2016 under Sections 392/397/411/34 IPC, Police Station GTB Enclave, North East.

2. The allegations against the petitioner are that the petitioner, who was employed in a factory manufacturing cables, on the date of

the incident, was working in the night shift and in the morning, after completion of the night shift, did not leave and started working overtime. The complainant alleges that the two persons came with masked face into the factory and the petitioner opened the gate for them and subsequently the said two masked face persons with the use of a knife and a gun overpowered the complainant. The said persons and the petitioner are alleged to have removed the cables etc. weighing approximately 1 & ½ tonnes.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that in case the petitioner wanted to commit theft, he had enough opportunity at night and there is no question of the petitioner waiting for the morning to remove the goods in the presence of the witnesses. He further submits that the CCTV footage, which is recovered from the neighbour's camera, does not corroborate the allegations in the FIR that two persons came with masked face along with weapons and overpowered the complainant. He further submits that the complainant came to the spot at about 11. He submits that removal of the finished material is a normal process which takes place daily.

4. Learned APP for the State, under instructions, submits that most of the goods have been recovered.

5. The petitioner has been in custody since 16.09.2016. It is informed that the arguments on charge are yet to take place.

6. I have seen the CCTV footage produced by the Investigating Officer and perused the case records.

7. Without commenting on the merits of the case and on perusal of the record and also keeping in view of the fact that the petitioner has been in custody for over 2 years and charge is yet to be framed, I am satisfied that the petitioner has made out a case for grant of regular bail.

8. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses.

9. Petition is disposed of in the above terms.

10. Order *Dasti* under signatures of the Court Master.

**DECEMBER 10, 2018**  
**st**

**SANJEEV SACHDEVA, J**