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

+ **BAIL APPLN. 2501/2018 & CrI.M.A. No.34804/2018**

DIGAMBAR MANDAL Petitioner

Through **Mr.S.R. Kamat, Adv.**

versus

STATE Respondent

Through **Mr.Manjeet Arya, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **28.11.2018**

1. Vide the present petition filed under Section 439 of the Code of Criminal Procedure, the petitioner seeks regular bail.
2. Mr. S.R. Kamat, learned counsel for the petitioner submits that the petitioner has a large family to support and there is no other criminal case pending against him. He further submits that once the two co-accused, namely Rajesh@Rakesh and Mohd. Jahangir, have been granted bail, there is no reason as to why the same benefit cannot be extended to the petitioner, especially in view of the fact that the role attributed to the petitioner even as per the prosecution, is much lesser than the aforesaid co-accused.
3. Notice of the bail application was issued to the State on 25.10.2018, pursuant where to Ms.Manjeet Arya, learned APP has filed a status report confirming the aforesaid submissions of the learned counsel for the petitioner.
4. I have heard the learned counsel for the parties and perused the

record. As per the allegations in the FIR, the petitioner is not alleged to have been directly involved in the incident where three persons had entered the premises in question, i.e., B-176, Ground Floor, East of Kailash, New Delhi and stolen certain electronic and other items therefrom. The only role attributed to the petitioner is that the stolen camera of the make “Canon” was recovered from his premises. I am, therefore, of the considered opinion that keeping in view the overall circumstances of the case as also the fact that two co-accused have already been granted bail, the petitioner has made out a case for being released on bail.

5. Accordingly, without commenting on the merits of the case and subject to the petitioner furnishing a personal bond in the sum of Rs.20,000/- with one surety of like amount who is a permanent resident of Delhi to the satisfaction of the learned Trial Court, the petitioner shall be released on bail. During the period of his release on bail, the petitioner will not leave the country without the prior permission of the learned Trial Court and will provide the Investigating Officer his mobile number. The petitioner will not try to contact any of the witnesses or hamper the investigation in any manner.

6. The petition along with pending application is disposed of in the above terms.

Dasti

REKHA PALLI, J

NOVEMBER 28, 2018/aa

