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

\+ BAIL APPLN. 2237/2017

RAVI KUMAR ..... Petitioner

Represented by: Mr. Manoj Ohri, Sr. Advocate with Mr. S. B. Sharma, Mr. Abhimanyu Singh, Mr. Nawab Singh Jaglan and Mr. Rajeev Ranjan Raj, Advocates.

versus

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

Represented by: Ms. Meenakshi Chauhan, APP for the State with SI Mukesh Meena, PS Sagarpur.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

<u>O R D E R</u>

% **26.02.2018**

1. By this petition the petitioner seeks bail in case FIR No. 99/2017 under Sections 392/395/397/412/34/120B IPC registered at PS Sagar Pur, New Delhi on the complaint of one Jitender Saxena.

2. Jitender Saxena in the complaint alleged that he was a distributor of Airtel Prepaid Card running his office from B2/16, Dashrathpuri, Sagarpur, New Delhi. On 15th April, 2016 at about 3.50 PM he gave ₹15.90 lakhs to his employee Deen Dayal and Sonu for depositing in Axis Bank who went to bank on a scooty. When they reached the area behind Nasirpur Mandi, three boys came on a motorcycle, stopped the scooty, threatened to kill them by showing pistol and snatched the bag containing ₹15.90 lakhs.

3. During the course of investigation the scooty was recovered abandoned from the area PS Sagar Pur. Thereafter Ashish was arrested on 11th May, 2017 from Raja Puri Road and at his instance ₹1.12 lakhs were recovered. On the disclosure of accused Ashish other co-accused, that is, Manoj and Deepak were arrested besides Ravi who was an employee of the complainant. As per the disclosure statement of Ashish and the other co-accused, Ravi an employee of the complainant had informed that regularly cash was taken from the office of the complainant to Axis Branch, Palam Village to be deposited in the absence of any security. On the said tipoff the accused persons committed the offence.

4. It is the case of the prosecution that after Ravi was arrested from his house a sum of ₹1.82 lakhs was recovered. After investigation charge sheet has since been filed and the case of the prosecution against the petitioner Ravi is based on the disclosure statements of the accused coupled with the recovery of ₹1.82 lakhs from his residence.

5. Learned counsel for the petitioner states that the amount recovered from his house was his savings which he had kept for purchasing e-rickshaw. Further during the course of investigation CDR of the phone of the petitioner were collected, which did not connect the petitioner to the accused nor he was found in the same location at any point of time with the co-accused. Thus there was not even a prime facie evidence of conspiracy between the petitioner and the co-accused.

6. Learned counsel for the petitioner further states that the petitioner has been in judicial custody since 12th May, 2017, not named in the FIR, not present at the spot and till date only one witness has been examined, thus

the trial is likely to take some time.

7. Without commenting on the quality of evidence of complicity available against the petitioner, needless to state that the case of the prosecution is that of conspiracy against the petitioner based on circumstantial evidence which according to the prosecution in the present case is only the recovery of the amount alleged at the instance of the petitioner. Considering the nature of allegations, the evidence against the petitioner and that the trial is likely to take some time, this court directs that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner will not leave the country without prior permission of the court concerned and in case of change of address the same will be intimated to the court concerned.

8. Petition is disposed of.

9. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 26, 2018
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