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

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Judgment delivered on: 03.05.2019

+ BAIL APPLN. 823/2019

KANHAIE JHA @ KISHAN

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Omkar Sharma, Adv.

For the Respondent : Ms. Meenakshi Dahiya, Addl. PP for the State
with SI Anuj Kumar

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 234/2017 under Sections 392/397/34 of the IPC read with Sections 27/54/59 of the Arms Act, registered at Police Station Gandhi Nagar.

2. It is submitted that the charge has been framed against the petitioner under Sections 392/395/412/34 and no charge under the Arms Act has been framed against the petitioner.

3. Allegations in the FIR are that the complainant had gone to make certain recoveries of money for his business and had received

Rs. 11 lakhs from his customers and when he was coming back on his scooty, four boys on three motorcycles came and stopped his scooty and thereafter they started fighting with him. It is alleged that the bag containing Rs. 11 lakhs was stolen/snatched.

4. As per the prosecution, the petitioner, when apprehended in some other case, confessed to the offence and his call details record also establishes his presence at the spot of the incident.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no incriminating evidence to connect the petitioner with the subject offence. He further submits that both the eye-witnesses have been examined before the trial court and both of them have failed to identify the petitioner as one of the four boys who had stolen/snatched the money bag.

6. Learned counsel further submits that petitioner had earlier been granted interim bail by the trial court but the same was cancelled as the petitioner had failed to surrender before the trial court within the stipulated time. He further submits that the petitioner had failed to surrender as he had gone to his hometown where his daughter had fallen ill and he could not surrender within time.

7. Learned counsel for the petitioner submits that all other co-accused have already been enlarged on bail and only because petitioner had earlier not surrendered within the stipulated time, he has been denied bail.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances, I am satisfied that the petitioner has made out a case for grant of regular bail.

9. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.20,000/- 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.

10. Petitioner shall furnish the details of his permanent residential address and mobile number to the Investigating Officer and in case of any change of address or contact number, he shall duly intimate the IO.

11. Petition is allowed in the above terms.

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

MAY 03, 2019
'rs'

SANJEEV SACHDEVA, J