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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 2326/2019**

RIYAZ MALIK

..... Petitioner

Through:- Mr. Raja Nadeem and Shoaib Haider,  
Advocates.

versus

STATE

..... Respondent

Through:- G. M. Farooqui, APP for the  
State along with SI Mohit  
Malik, PS Chandni Mahal.

**CORAM:**

**HON'BLE MR. JUSTICE BRIJESH SETHI**

**ORDER**

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**18.09.2019**

1. Vide this order I shall dispose of anticipatory bail application filed by the petitioner in FIR No. 106/2019 u/s. 380/454 IPC, P.S. Chandni Mahal.
2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated. He is joining the investigation. The other co-accused Siddarth @ Siddhu is already on anticipatory bail.
3. The prosecution version in brief is that the lock of the house of the complainant was found broken on 17.07.2019. Complaint was made to the police and present FIR was lodged. During the investigation co-accused Furkan was arrested and case property was recovered at his instance. Co-accused Furkan also disclosed that he had committed the offence on the instruction of brother of the complainant i.e. the petitioner. Disclosure statement of co-accused Furkan was recorded.
4. Ld. APP for the state has opposed the application. He has submitted

that petitioner is not cooperating in the investigation. The petitioner/ accused is in possession of certain stolen articles belonging to the complainant which are yet to be recovered. He has, therefore, prayed that anticipatory bail application be dismissed.

5. I have considered the rival submissions. Keeping in view the fact that petitioner is not cooperating with the investigating agency and custodial interrogation of the petitioner is required for recovery of stolen articles belonging to the complainant and co-accused Furkan had carried out the theft at his instance, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

**BRIJESH SETHI, J**

**SEPTEMBER 18, 2019**