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

% *Date of decision 14.10.2019*

+ BAIL APPLN. 1998/2018 & CrI.M.A. 32295/2018

AJAY JERATH & ANR. Petitioners

Through: Mr. J.KI.Rana, Advocate

Versus

STATE Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State with SI
Sanjay Kaushik
Mr. P.P.Singh, Advocate for
complainant

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (ORAL)

1. Petitioners are seeking anticipatory bail in FIR No. 130/2018, under Section 380/448 IPC, registered at police station Roop Nagar, Delhi.
2. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case, as they are only the employees of the company. In fact, the complainant is a trespasser into the company's land and has no right, title or interest to reside therein.
3. Learned Additional Public Prosecutor for State as well learned

counsel for complainant have strongly opposed the anticipatory bail application. It is submitted that according to the FIR, articles were removed from the property in question and thereafter, a wall was erected by the petitioner Mohit herein. It is pointed out by learned Additional Public Prosecutor for State that there are statements of witnesses namely Gita, Ravi Dutt and Ved Prakash Sharma who have categorically stated that the goods and articles were removed from the premises in question by one Mohit, who had also got the wall erected covering the door of the Room No. 12-B by standing there.

4. As far as bail of petitioner Ajay is concerned, he was instrument in directing the other petitioner Mohit in taking possession of the premises in question.

5. In view of the above facts emerging on record and keeping in mind the fact that the recovery of articles is yet to be effected, no grounds for anticipatory bail are made out.

6. The bail application stands dismissed accordingly. The pending application also stands disposed of.

BRIJESH SETHI, J

OCTOBER 14, 2019

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