

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: January 24, 2019
+ **BAIL APPLN. 2649/2018**

MR. KASHMIR THOMASPetitioner
Through: Mr. Maninder Singh, Mr. Dinkar
Singh, Mr. Dinhar Takiar, Mr.
Anuj Singh, Ms. Aekta Vats, Mr.
Sankalp Kohli and Mr. Aahil
Arora, Advocates
versus

STATERespondent
Through: Mr.M.P. Singh, Additional Public
Prosecutor with Inspector
C.L.Meena
Mr. Mehmood Pracha, Mr.
Sikander, Ms. Vidushi Bajpai and
Mr. Yashwardhan Oza, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

Petitioner, who is driver of the husband of complainant seeks pre-arrest bail in FIR 129/2016 under Sections 380/403/420/120B/34/201 IPC. While entertaining this application, interim order of 2nd November, 2018 was passed.

Learned counsel for petitioner submits that petitioner has joined the investigation. It is submitted that the recovery made from petitioner belongs to his wife and that the co-accused of petitioner has been already granted the concession of pre-arrest bail.

It is submitted that the dispute between the employer of petitioner and the complainant arises from a matrimonial discord and that petitioner has been falsely implicated.

Learned Additional Public Prosecutor opposes this application on the ground that petitioner is named as main accused, who had stolen various articles from the house of the complainant. It is submitted that some of the stolen articles are yet to be recovered and so, custodial investigation of petitioner is required as the other helps-*Amrita and Umaid Singh* have been supported the prosecution case. It is pointed out that complainant in her supplementary statement has given details of the stolen articles which can be recovered, only if petitioner is subjected to interrogation.

Upon hearing on perusal of the FIR of this case, status report and the material on record, I find that the case of petitioner is not at par with that of co-accused, who has been granted pre-arrest bail. If custodial interrogation is not granted, then it would stifle the prosecution case. This court finds that it is not a fit case for grant of pre-arrest bail to petitioner.

Accordingly, the application is dismissed while not commenting on the merits of the case.

(SUNIL GAUR)
JUDGE

JANUARY 24, 2019

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