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

+ **BAIL APPLN. 3055/2019 & CRL.M.(BAIL) 2146/2019**

AMIT KUMAR

..... Petitioner

Through: Mr. Navjot Kumar, Mr. Karan
Khanna and Mr. Shoaib Haider,
Advocates

versus

THE STATE

..... Respondent

Through: Mr. Amit Chadha, APP with SI
Naresh Kumar and HC Ravinder P.S.
Rajinder Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **07.02.2020**

The present petition is filed under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 2047/2019 registered at Police Station Rajinder Nagar.

It is stated in the present petition that the petitioner has been falsely implicated by Police Official of P.S. Sihani Gate, Ghaziabad, U.P. and Police Official of P.S. Sihani Gate has planted recovery of a motor cycle from petitioner in case FIR No. 1659/19 under Section 411/482 IPC, which is the case property in the present case under Section 379 IPC in case FIR No. 1659/2019.

The petitioner remained in judicial custody for almost 14 days in which alleged motor cycle was allegedly recovered by the police officials. The fact of FIR No. 1659/2019 registered at Police Station Sihani Gate, Ghaziabad, U.P. is not disputed by learned APP and has fairly conceded that

the recovery in the aforesaid FIR is of the same vehicle theft from Delhi. He further submits that in addition to Section 411/482, the petitioner has been booked under Section 4/25 Arms Act in case FIR No. 1658/2019 registered at Police Station Sihani Gate, Ghaziabad, U.P.

Since the recovery has effected at Police Station, Ghaziabad of the same vehicle in question in the present FIR, and keeping in view the facts and circumstances of the case, this Court is of the considered view that the present case is fit for anticipatory bail.

Accordingly, the SHO/Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner/ applicant be released on bail on the following terms and conditions:-

(i) That the petitioner shall furnish a personal bond in the sum of ₹10,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Application stands disposed of.

Dasti.

SURESH KUMAR KAIT, J

FEBRUARY 07, 2020

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