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via Videoconferencing

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

+ BAIL APPL. No.2931/2019

SAKIL

..... Applicant/Petitioner

Through: Mr. Akhilesh Pandey,
Advocate.

Versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Dr. M.P. Singh, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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01.06.2020

An application seeking early hearing of the present application was allowed *vidé* order dated 20.05.2020 and this application is accordingly listed for hearing today.

2. The applicant/Sakil is an undertrial in case FIR No.92/2019 dated 23.02.2019 registered under sections 395/397/365/412/506/120B/34 IPC at PS: Narela Industrial Area, New Delhi. The applicant, who has been in custody since 06.03.2019, seeks regular bail. There are 7 accused persons in the matter ; 2 of whom are stated to be absconding. The

essence of the allegation is of looting and thereby committing dacoity of cigarette cartons worth several lacs that were being transported on a truck.

3. Mr. Akhilesh Pandey, learned counsel for the applicant states that the applicant was arrested on a confessional statement made by a co-accused; that charge-sheet dated 31.05.2019 was filed against the applicant only under sections 395/412/120B/34 IPC; however, charges have not so far been framed by reason of the lockdown and the next date fixed in the matter before the trial court is 16.06.2020.
4. Mr. Pandey states that although a supplementary charge-sheet has been filed in the matter but that is only against some of the co-accused; and no additional charges have been brought against the applicant. Counsel further points-out that 2 of the co-accused, Ravinder and Ankit, have already been granted regular bail by the learned Sessions Court by orders dated 30.07.2019 and 29.08.2019 ; and that the aforesaid supplementary charge-sheet was filed subsequent to the grant of bail to the said co-accused ; and also that the State has not sought setting-aside of the bail orders.
5. Relying upon the status report filed in the matter, Dr. M.P. Singh, learned APP for the State, opposes the grant of bail; and submits that one of the vehicles involved in the offence is owned by the applicant's father; that 2 cartons of cigarettes were recovered from the applicant's house ; and that Rs.1,80,000/- was recovered from a co-accused at the instance of the applicant. Dr Singh further contends that the applicant

has refused TIP ; and that remaining case property is yet to be recovered and 2 of the co-accused, namely Sachin and Prince are yet to be arrested; and that proceedings under Section 82 Cr.P.C. have been initiated against accused Prince.

6. The State however confirms in the status report, that the applicant has no previous involvement or criminal record.
7. Upon a conspectus of the facts and circumstances as recited above, it appears that the investigation is complete insofar as the applicant is concerned; that recovery from the applicant is only of 2 cartons of cigarettes; and that 2 co-accused have already been enlarged on bail and State has not sought setting-aside of their bail orders. Furthermore, in view of the truncated functioning of courts by reason of the lockdown, it is unlikely that trial will proceed at any early date; and therefore this court is persuaded to admit the applicant to regular bail during the pendency of trial, subject to the following conditions :

- i. The applicant shall furnish a personal bond in the sum of Rs.50,000/- to the satisfaction of the Trial Court/Duty MM. Considering the prevailing lockdown, the furnishing of surety bond as a condition of bail, is dispensed with at this stage *subject* to the applicant furnishing 1 surety bond of the like amount from a blood-relative, within 10 days of lifting/easing of lockdown to the satisfaction of the Trial Court/Duty MM ;
- ii. The applicant shall not leave the National Capital Region (NCR) without permission of the court and shall

ordinarily reside in his place of residence as per prison records;

- iii. The applicant shall present himself every alternate Friday between 11 am and 11:30 am to the Investigating Officer, and in case the Investigating Officer is not available, then to the SHO PS : Narela Industrial Area to mark his presence. The applicant shall not be kept waiting at the Police Station for longer than one hour, for this purpose ;
- iv. The applicant shall furnish to the Investigating Officer/ SHO a cell phone number on which the applicant may be contacted and shall ensure that the number is kept active and switched-on at all times ;
- v. The applicant shall not contact nor visit nor threaten nor offer any inducement to the complainant/first informant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the matter.

8. The application stands disposed of in the above terms.

9. A copy of this order be sent to the Jail Superintendent._

ANUP JAIRAM BHAMBHANI, J

JUNE 01, 2020

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