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

+ **BAIL APPLN. 1105/2020**

MANOJ KANT SINGH

.....Applicant

Through

Mr. P.D. Gupta, Sr. Advocate with
Mr. Abhishek Gupta, Advocate

versus

STATE

..... Respondent

Through

Mr. Tarang Srivastava, APP

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.06.2020

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Hearing has been conducted through Video Conferencing.

This is a petition filed under Section 439 Cr.PC seeking regular bail in FIR No.0334/2020 dated 09.05.2020, under Sections 458/380 IPC, Police Station Samaipur Badli.

Mr. P.D. Gupta, learned Senior Counsel appearing for the Applicant submits that the allegations in the FIR are that on the night intervening 08.05.2020 and 09.05.2020, a group of four boys aged between 20-22 years, after tying the complainant with a towel and rope on the Charpai took away cash and valuables. He points out that as a matter of record, Applicant is 47 years of age and therefore, going by the allegations in the FIR itself, Applicant could not have committed the alleged offences of theft or robbery. It is submitted that recoveries have already been made from the Applicant. Learned senior counsel argues that, without conceding, at best, the case against the Applicant could be under Section 411 IPC.

Learned Senior Counsel further submits that antecedents of the

Applicant are clean and he has never been accused or convicted in any case. Applicant belongs to a respectable family which comprises of his wife, one college going daughter and one school going son. Applicant is a permanent resident of Delhi and has deep roots in the society and there is no likelihood of his absconding from justice. Mr. Gupta, therefore, prays that the Applicant be released on bail.

Status Report has been filed by the State. It is confirmed in the Status Report that four persons who had trespassed and allegedly committed theft in the house of the Complainant were aged about 20-22 years.

In so far as the present Applicant is concerned, it is stated that after raid was conducted, the applicant and one accused Deepak @ Kancha were arrested and Rs.60,000/- was recovered from the Applicant. 17 sacks of *Supari* were recovered at the instance of the Applicant from one premises and 7 sacks of *Supari* were recovered from a godown. It is stated that the Applicant has no previous involvement in any other crime and that the applicant is in judicial custody since 13.05.2020.

I have heard the learned Senior Counsel for the Applicant as well as learned APP. The Applicant is in Judicial Custody since 13.05.2020. The allegations in the FIR indicate that the Applicant was not involved in the alleged acts of theft / robbery. Recoveries have been made from the Applicant as stated in the Status Report. No useful purpose will be served by keeping the Applicant in judicial custody.

In view of the above, the Applicant is admitted to Regular Bail, on furnishing a Personal Bond in the sum of Rs.50,000/- to the satisfaction of the concerned Jail Superintendent.

In view of COVID-19 Pandemic Resolution dated 07.04.2020 of the

“High Powered Committee” and the order dated 09.04.2020 passed by Division Bench of this Court in W.P. (Crl.) 779/2020 titled as “Court of its own Motion v. State”, the requirement of furnishing a Surety Bond is dispensed with, at present.

However, Surety of his wife or blood relation, for an amount equivalent to the personal bond will be furnished by the Applicant within a period of one week of opening of the Trial Courts.

The grant of regular bail to the Applicant is subject to the following conditions :-

- (i) The Applicant shall not leave the jurisdiction of NCT of Delhi without prior intimation to the concerned S.H.O/IO and without the permission of the Court, after the Trial Courts open.
- (ii) The Applicant shall not get in touch with or extend any threat to the complainant, directly or indirectly or tamper with evidence.
- (iii) The Applicant shall provide his mobile number to the concerned S.H.O / I.O and shall keep the mobile phone operational at all times. He shall communicate with the concerned S.H.O/I.O, telephonically, every Monday between 10.00 a.m. – 10.30 a.m. In case of change of residence, prior intimation shall be given to the concerned IO.

Application is disposed of in the above terms.

A copy of the order be communicated to the concerned Jail Superintendent for information and necessary action.

A copy of this order will be uploaded on the Website of Delhi High Court.

JYOTI SINGH, J

JUNE 05, 2020/yg/