

via Video-conferencing

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

+ **BAIL APPL. 1634/2020**

BHAVESH KUMAR

.....Applicant/Petitioner
Through : Mr. Vijay Dalal and Mr.Brijesh
Pandey, Advocates.

versus

STATE OF NCT

..... Respondent
Through : Mr. G.M. Farooqui, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% 14.09.2020

The applicant, who is an undertrial in case FIR No. 209/2020 dated 15.06.2020 registered under sections 392/411/380/34 IPC at PS : Lodhi Colony, Delhi, seeks regular bail.

2. Notice in this application was issued on 09.07.2020 ; consequent whereupon status report dated 25.07.2020 has been filed by the State. Another status report dated 07.09.2020, stated to have been filed, is not on record. A copy of the same has been forwarded *via* e-mail.

3. Let status report dated 07.09.2020 be brought on record.

4. Nominal roll dated 24/25.07.2020 has been received from the Jail Superintendent.

5. Mr. Vijay Dalal, learned counsel appearing for the applicant submits that the applicant is a student, about 25 years of age; and has been accused of a 'petty' offence of snatching a mobile phone from a store and running-off with it.
6. Mr. Dalal submits, that other things apart, investigation in the matter is complete and charge-sheet has been filed ; and no purpose in aid of investigation or prosecution will be served by detaining the applicant in prison any longer. He submits that, as can be seen from the nominal roll, the applicant has been in judicial custody since 17.06.2020 ; that his jail conduct has been 'satisfactory' ; and that he has no other or previous criminal involvement.
7. On the other hand, Mr. G.M. Farooqui, learned APP appearing for the State submits that the applicant was the person who picked-up the phone alongwith bluetooth earbuds and ran away from the store on a scooty ; and when the scooty slipped on a curve, the applicant fled with the stolen mobile phone, while the person driving the scooty was apprehended on the spot.
8. Mr. Farooqui further submits that the person who was apprehended disclosed the applicant's name and particulars, whereupon the applicant was arrested; and case property was recovered from his house.
9. Mr. Farooqui however confirms that as per the SCRB report, the applicant has no criminal background or record. Mr. Farooqui also points-out that based on the complainant's supplementary statement, in which he disclosed that when the complainant tried to catch hold of

the applicant, the latter gave a forceful push and the complainant fell down, section 392 IPC was also added.

10. Status report dated 07.09.2020 also records that investigation in the case is complete in all respects and charge-sheet has been filed.

11. However, the applicant's bail application was dismissed by the learned Sessions Court *vidé* order dated 07.07.2020.

12. Upon a conspectus of the foregoing facts and circumstances and considering the nature of the offence, the applicant's age and the fact that he is a student, this court is persuaded to grant to the applicant *regular bail* pending trial, upon the following conditions :

- a. The applicant shall furnish a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousands) with 01 surety of the like amount from a family member, to the satisfaction of the learned trial court;
 - b. The applicant shall furnish to the Investigating Officer/SHO a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - c. The applicant shall not contact, nor visit, nor offer any inducement threat or promise to the first informant/complainant or any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
13. Nothing in this order shall be construed as an expression on the merits of the pending matter.

14. The bail application is disposed of in the above terms.
15. Other pending applications, if any, also stand disposed of.
16. A copy of the order be sent to the concerned Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 14, 2020

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