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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 2248/2020

SAGAR CHANDRA

..... Applicant

Through: Mr.Vishal Raj Sehijpal, Advocate.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Kewal Singh Ahuja, APP for State
with SI Sachin Dahiya.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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02.09.2020

(hearing through Video Conferencing)

The status report dated 26.08.2020 submitted under the signatures of the SHO, PS Subhash Place in relation to FIR No.118/2020 under Sections 392/411/34 of the Indian Penal Code, 1860 which states to the effect:-

“Thereafter, address of host of party namely Jitender Koli S/O Pujari Lal R/O A-416, Bunkar Colony, Bharat Nagar, Delhi was visited and his statement was recorded wherein he stated that he organized a party at Regal palace on 03.03.2020 on the occasion of his brother's 25th anniversary and Sagar Chandra S/O Mukesh Chandra R/O L-93, Shakurpur, Delhi attended the party and was present at Regal palace from around 8.30 PM to 11 PM. Jitender Koli also provided the receipt of booking of ground floor of Regal Palace for 03.03.2020. He further stated that photographer Mukesh from M. Kumar Studio was hired for the occasion. Thereafter, photographer hired for the occasion was contacted and his statement was recorded wherein he stated that he had a booking for photography and videography of a party of his friend Jitender for

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03.03.2020. He further identified the person in white shirt as Sagar and stated that he has clicked these photos on the night of 03.03.2020.”

The applicant vide the present application has sought the grant of anticipatory bail in relation to the FIR aforementioned submitting to the effect that he has been falsely implicated in the instant case.

On behalf of the State, submissions have been made previously to the effect that the averments in the FIR itself named the applicant as being one of the assailants of which two of the assailants had caught hold of the hand of the complainant named Deepak one of them conducted his search and when the complainant objected to the same, the fourth person asked the person conducting his search calling that person Raunak to inform the complainant as to who he was, whereupon, that person named Raunak informed the complainant that that person was named Sagar Bhai, a Shakarpur bad element and then that person who was conducting the search of the complainant took out his purse from the rear pocket of his pant of black colour and all those persons then went away and that purse of the complainant was stated to contain Rs.15,000/-, his Aadhaar Card and driving licence.

As per the averments made in the FIR, the complainant had stated that he was in a position to identify all those persons.

The submission that had been made on behalf of the applicant was to the effect that there was no specific nomenclature of Sagar Bhai detailed in the FIR and that the same was insufficient to incriminate the applicant.

On behalf of the State, the status report dated 20.08.2020 reiterated the averments made through the FIR and also stated to the effect that there were disclosure statements of the co-accused persons in the instant case which gave the parentage of the applicant as being the same as was

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mentioned in the disclosure statements i.e. as being Sagar @ Katu son of Sh. Mukesh.

On behalf of the applicant, it was the avowed contention that the applicant was not present at the spot of the occurrence and was in fact at a party in relation to which there were mobile numbers given by the applicant as well as certain photographs to contend that he was not present at the spot, the verification report in relation to the photographs that have been supplied by the applicant has been submitted as observed hereinabove and the details of which status report has already been reproduced hereinabove dated 26.08.2020.

As per the said status report dated 26.08.2020, the applicant is alleged to have been present in a party of his friend on the date 03.03.2020 at Regal Palace from around 8.30 pm to 11.00 pm with the date of alleged occurrence being 03.03.2020 at about 10.30 hours. On behalf of the State, it has been submitted that the said status report is based on the submissions made by the photographer Mukesh and the friend Jitender and that all these documents and statements could have been created by the applicant.

On a consideration of the submissions that have been made on behalf of either side, taking into account the status report dated 26.08.2020 submitted on behalf of the State which is in consonance with the submissions made by the applicant of his being present allegedly at a party from 8.30 pm to 11.00 pm at Regal Palace, with photographs also of the said party, without any observations on the merits or demerits of the trial that may take place, it is considered appropriate that the applicant is allowed to be released in the event of his arrest on anticipatory bail on his filing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/ Duty Judge with directions to the applicant to the effect that:-

- he shall not leave the city;

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- he shall keep his mobile on at all times;
- he shall drop his location on the Google map so that his location is available to the Investigating Officer;
- he shall make no contact with the complainant and the prosecution witnesses;
- he shall join the investigation of the case as and when required by the Investigating Officer;
- he shall commit no offence whatsoever and in the event of his being involved in any other case and lodging of FIR or DD entry against him, the State shall bring the same to the notice of the Court forthwith.

The application is disposed of.

ANU MALHOTRA, J

SEPTEMBER 02, 2020

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