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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2301/2020**
PRAKASH @ GHOLU Petitioner
Through: Mr. Lokesh Kumar Mishra, Adv.

versus

STATE (NCT OF DELHI) Respondent
Through: Mr. Ashok Kr. Garg, APP for State

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **21.09.2020**

The status report dated 10.09.2020 has been filed on behalf of the State.

The applicant vide the present application seeks the grant of bail in relation to the FIR No.317/2020, PS Pandav Nagar, under Sections 382/34 of the IPC,1860 submitting to the effect that the applicant has been falsely implicated in the instant case.

The status report that has been submitted on behalf of the State states to the effect that the applicant along with other persons had threatened the complainant to give whatever he had with him on 01.07.2020 and pursuant thereto the complainant had given his 1.5 tola gold chain and Rs.25,000/- in cash to the boys and they fled away on black and white colour scooty.

The applicant in the instant case is stated to have been arrested pursuant to secret information on 22.07.2020 and sent to JC in muffled face and that during interrogation, the applicant had disclosed the names of the co-accused persons as being Deepak, Arjun and Rahul and the TIP

proceedings are stated to have been conducted on 24.07.2020, on which date, the applicant was identified by the complainant and that one day PC remand was obtained on 26.07.2020 for recovery of case property and arrest of remaining co-accused but no clue was found and the investigation is still pending in relation to the co-accused persons and it is submitted on behalf of the State that the charge-sheet qua the present applicant would be filed. The status report submitted on behalf of the State further states to the effect that the applicant was present at the spot at the time of the commission of the crime and has been identified by the complainant in TIP proceedings and but there is no previous involvement of the applicant in any crime.

On behalf of the applicant it has been submitted that the prosecution version cannot be accepted in as much as neither the co-accused have been arrested nor anything has been recovered and that the applicant was shown to the complainant before conducting the TIP proceedings and thus was identified by the complainant and the applicant be thus released on bail in as much as the aspect of the guilt or innocence of the applicant would be a matter of trial.

On behalf of the State it has been submitted that the aspect of the alleged commission of offence under Sections 382/34 of the IPC, 1860 stands established by the identification of the applicant by the complainant in the TIP proceedings and the recovery of the money and the gold chain is immaterial in as much as the commission of extortion stands established.

It is essential to observe that presently the charge sheet is yet to be filed and the trial is yet to commence and the aspect of the guilt or innocence of the applicant can only be determined during trial. Taking into account the factum that the applicant after his arrest has been taken in police custody

remand and pursuant thereto, there has been no arrest of the co-accused nor has there been any money recovered nor any other recovery effected coupled with the factum that the investigation qua the applicant is already complete and there is no previous involvement of the applicant in any offence, it is considered appropriate to release the applicant on bail on filing a bail bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned trial Court with directions that he shall not leave the city, shall keep his mobile phone on at all times and shall drop a pin on the Google map to ensure that his location is available to the Investigating Officer and shall commit no offence whatsoever, shall make no attempt to influence the prosecution witnesses and shall make no contact with the complainant and prosecution witnesses.

The application is disposed of.

ANU MALHOTRA, J

SEPTEMBER 21, 2020

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