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

+ **BAIL APPLN. NO. 2458/2020**

RAJIV

.... Petitioners

Through: Mr.Kush Sharma, Advocate
versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
With SI Sadanand, PS K.N.K Marg

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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18.09.2020

(Through Physical Hearing)

The status report dated 15.9.2020 under the signatures of the SHO Police Station K.N.Katju Marg has been submitted on behalf of the State.

The applicant vide the present application seeks the grant of regular bail in relation to FIR No.162/2020, PS K.N.Katju Marg under Sections 392/397/342/411/120/34 of the Indian Penal Code, 1860 and Sections 25/27/54/59 of the Arms Act, 1959 submitting *inter alia* to the effect that the charge sheet in the matter has been filed and that the applicant is in custody since 05.06.2020 and the investigation in the matter is complete and no useful purpose would be served with the further incarceration of the applicant. It has been further submitted on behalf of the applicant that the two other co-

accused allegedly injured in the instant case have not even been got medically examined and the prosecution version thus gets falsified. It has further been submitted on behalf of the applicant that two other co-accused in the instant case have been released on bail, i.e. Sagar and Shubham Yadav and the applicant has a family to look after during the COVID time.

On behalf of the State, the application is vehemently opposed submitting to the effect that the applicant is the person who had a rented accommodation at flat No. G-7/214, First floor, Sector 16, Rohini, where the applicant had put the country made pistol on the temple of the hostages at the time of the conspiracy of making the employees of the complainant state falsely to the effect that they had received the amount of payment which they were to receive from Dubai in Delhi which amount had been got arranged to be received by the complainant from Dubai and in as much as the applicant and his associates had learnt of a transfer in India from Dubai through Hawala, they conspired to ensure that they possessed arms and ammunition and took a house on rent and when the employees of the complainant had reached they pressurized them and intimidated them forcefully to admit that they had received the amount and the payment was received at Dubai itself by the co-accused, named, Sandeep who is stated to have not yet been arrested. A sum of Rs.10,00,000/- is stated to have been recovered from the co-accused Kapil who is also stated to be in custody.

It is submitted by the learned counsel for the applicant that the allegations levelled by the State can be verified during trial and that

presently, the applicant ought to be released on bail. It has further been submitted on behalf of the applicant that there is no concrete document placed on record by the Investigating Agency to indicate that the rented accommodation was taken by the applicant.

On behalf of the State it has been submitted that the complainant and the two hostages i.e., the employees of the complainant are yet to be examined by the Trial Court and there is likelihood of the witnesses being influenced.

On a consideration of a submissions that have been made on behalf of either side and the factum that the applicant is alleged to have been found in possession of an arm i.e., the country made pistol which is stated to have been put on the temple of the hostages, and is stated also to have got the rented accommodation arranged allegedly for the commission of the alleged offence, with the factum that the material witnesses are yet to be examined, presently, there is no ground for grant of bail. The application is thus declined.

ANU MALHOTRA, J

SEPTEMBER 18, 2020
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