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

+ **BAIL APPLN. 3794/2022, CRL. M.A. 26814/2022**

AKRAM ALI

..... Petitioner

Through: **Mr. Sameer Chandra, Advocate.**

versus

THE STATE NCT OF DELHI

..... Respondent

Through: **Mr. Amit Sahni, APP for the State
with ASI Rakesh Kumar, PS
Kotwali**

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Date of Decision: 12th April, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present application has been filed in case FIR no. 540/2016 registered under section 406 IPC at PS Kotwali.
2. The petitioner is stated to be in custody since 14.05.2022. As per status report, complainant Akram Ali had filed a complaint under Section 156 (3) Cr. P.C. in the Court alleging therein that on 05.04.2015 he had given two TATA buses bearing registration No. UP-15 BT-4551 and UP-15 BT-5100 to the accused, who was his known, at Delhi Public Library for servicing. He was told that buses will be returned on 06.04.2015. The complainant alleged that on the next date, he tried to contact alleged Akram Ali but his mobile was switched off. It is further alleged that after three/four days, the accused refused to return the buses. It has been stated in the status report that during the clarification, it was transpired that the accused had

sold his buses to one Pappu, who is habitant of Muradabad, UP. It has been stated that the plea of the Pappu was that he took the buses after making payment. It is further alleged that the said Pappu has extended threat to the complainant with dire consequences.

3. Learned Addl. P.P. submitted that the petitioner initially absconded and was declared a proclaimed offender and was finally arrested on 14.05.2022. It has further been submitted that now, the charge sheet has been filed and the matter is pending before the learned Trial Court. It has been further submitted that the accused is also involved in FIR No. 229/18, under Section 406/420 IPC, PS Tripuri, Patiala, Punjab, in which also he was declared a proclaimed offender on 25.08.2022. It has further been submitted that earlier bail application has been dismissed by the learned Sessions Court. Learned Addl. P.P. submitted that there is also another FIR No. 458/08 under Section 411/449 IPC against the petitioner.

4. Per contra, Learned counsel for the petitioner submitted that the petitioner is in custody since 14.05.2022. It has been submitted that the detention during trial cannot be taken as a punitive measure. Learned counsel submitted that the trial may take a long time, therefore, the petitioner may be admitted on bail. Learned counsel for the petitioner has submitted that the accused is on bail in both the above cases.

5. It is a settled provision that at the stage of grant of bail, the court cannot go into meticulous examination of the facts. It is matter of record that the bus was initially handed over by the complainant to the accused for servicing, which he later on allegedly did not return back and sold the same to Pappu. All these matters require trial, therefore, without going into merits,

the accused is admitted to bail on furnishing of a personal bond to the tune of Rs. 20,000/- with one surety of the like amount subject to the following conditions -

- a. the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b. the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c. the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d. the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e. the Petitioner shall drop a PIN on the Google map to ensure that his location is available to the Investigating Officer; and
 - f. In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
6. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 12, 2023/ck