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

+ **BAIL APPLN. 97/2024**

SHRI RAHUL

..... Petitioner

Through: Mr. Sunil Kumar, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with SI Yashpal Singh, PS.
Farsh Bazar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.03.2024

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1. The present petition has been filed under Section 439 CrPC seeking regular bail in connection with FIR No.56/2023 under Sections 392/394/397/34 IPC (subsequently, charge sheet was filed under Sections 394/397/34/395/411/120B/25 IPC) registered at Police Station Farsh Bazar.
2. The case of the prosecution is that the complainant was going home from his work on 29.01.2023 along with his friend on a bike and they had total amount of Rs. 32 lacs with them in their bag. Abrar was driving the bike and the complainant was sitting behind with the bag full of cash. When they reached near the Hedgewar Hospital at around 08:50 p.m. three boys came there riding on a bike and stopped them. The boy sitting on the last got down and put a pistol on the complainant's forehead and took the bag. When the complainant protested the said person threatened him and ran away.



Pursuant to this, a complaint was made by the complainant which culminated into the registration of the aforesaid FIR.

3. The learned counsel for the petitioner submits that in the FIR six persons have been arraigned as accused and four persons have already been granted bail. He submits that as per the prosecution version, an amount of Rs. 7,000/- was recovered from the present petitioner which is not an unusual amount which a person could possess.

4. He further submits that the maximum recovery of Rs.3.45 lacs has been made from the co-accused Wazid, who has already been enlarged on bail by the Court of ASJ-07, Shahdara, Karkardooma Courts, Delhi *vide* order dated 01.06.2023 as Annexure P-3 (Colly.) (paperbook pages 97-100).

5. The other three co-accused persons who have also been enlarged on bail, their bail orders have also been placed on record as Annexure P-3 (colly).

6. He further submits that the petitioner is in custody since 31.01.2023 and the investigation is complete, therefore, the custody is no more required. He further submits that the petitioner has clean antecedents and urges the Court to enlarge the petitioner on bail.

7. *Per contra*, the learned APP for the State has argued on the lines of the Status Report.

8. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the record.

9. As per the prosecution's case, six persons have been arraigned as accused. It is not in dispute that the four co-accused persons who are similarly situated as the present petitioner have already been enlarged on bail.



10. It is also matter of record that the maximum recovery of the alleged cash has been made from Wazid @ Rihan, who has been enlarged on bail *vide* order dated 01.06.2023, therefore, the petitioner is also entitled to regular bail on the ground of parity.

11. That apart, it is not in dispute that the petitioner has clean antecedents. Further, the investigation is complete and the charge sheet has been filed, therefore, the custody of the petitioner is otherwise, not required.

12. The petitioner is stated to be permanent resident of Delhi, therefore, he does not seems to be a flight risk.

13. Considering the aforesaid circumstances in entirety, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is enlarged on bail subject to his furnishing a Personal Bond in the sum of Rs. 25,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-

- a) Petitioner shall not leave the Delhi/NCR without prior permission of the Court.
- b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
- d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

14. The petition stands disposed of.



15. It is made clear that nothing stated above is to be construed as an expression of opinion on the merits of the case.
16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.
17. Order *dasti* under signatures of the Court Master.
18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 20, 2024/dss