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

+ **BAIL APPLN. 160/2024**

**KAPIL @ BALJIT**

..... Petitioner

Through: **Mr. M.L. Yadav, Advocate.**

versus

**STATE (N.C.T. OF DELHI)**

..... Respondent

Through: **Ms. Meenakshi Dahiya, APP for State  
with SI Dharamveer, PS Chhawla.**

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

**15.04.2024**

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1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 0236/2023 under Sections 356/379 IPC registered at P.S.: Chhawla. Chargesheet has been filed under Sections 356/379/411 IPC.
2. In brief, as per the case of prosecution, on 12.06.2023, mobile phone of complainant was snatched by a person driving a red coloured Scooty, who was wearing a helmet. Accused/petitioner, in custody in another case, was formally arrested in the present FIR and the stolen mobile phone was allegedly recovered from an open plot after about 14 days from the date of incident at his instance.
3. Learned counsel for the petitioner submits that the petitioner is in custody for more than nine months and no independent witness was joined in the investigation with reference to alleged recovery of the mobile phone, from an open plot at his instance. The recovery is stated to have been planted.



4. Learned APP for the State opposes the bail application and submits that the accused is involved in about 56 cases.

5. I have given considered thought to the contentions raised.

Admittedly, Charge-sheet has already been filed and the petitioner is no more required for the purpose of investigation. The alleged recovery of mobile phone from an open plot after about 14 days of the incident in the absence of any public witness needs consideration, as contended on behalf of petitioner. Considering the facts and circumstances, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 20,000/- (Rupees Thirty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions :

- (i) Petitioner shall not influence the witnesses in any manner;
- (ii) In case of change of address, petitioner shall intimate/communicate his address to the IO/SHO concerned.

Application is accordingly disposed of.

A copy of this order be sent to the Superintendent Jail and concerned Trial Court for information and compliance.

**ANOOP KUMAR MENDIRATTA, J.**

**APRIL 15, 2024/akc**