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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 180/2023, CRL.M.(BAIL) 91/2023 (for interim protection)**

ARUN KUMARPetitioner

Through: Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Ms. Richa Dhawan, APP for the State
with SI Charan Singh, PS Tilak
Nagar.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
07.08.2024

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BAIL APPLN. 180/2023 (under Section 438 read with Section 482 of CrPC filed by the petitioner for grant of Anticipatory Bail)

1. The Bail Application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973, has been filed on behalf of the petitioner for grant of Anticipatory Bail in FIR No. 105/2021 dated 12.02.2021 under Section 448/380/506/34 of the Indian Penal Code, registered at Police Station Tilak Nagar, pursuant to the directions of the learned Metropolitan Magistrate under Section 156 (3) CrPC.

2. As per the complainant, she was the resident of Tehran since last three years with her husband, who is working in Indian Embassy. She came to Delhi in 2015 and purchased the first floor of property bearing No.WZ -251



80 yards, Tilak Nagar, New Delhi-110018, from one Sanjeev Anand. She thereafter, went back to Tehran and let out the first floor of the aforesaid property to one Mr. Ravi Kumar, who was known to her, on nominal rent so that he can take care of her aforesaid property. About one year back, the property got vacated and she kept her belongings in the premises as some construction work was required to be carried out in her permanent house No. WZ-246, Tilak Nagar, Delhi. Due to spread of Corona, she was unable to take care of the property taking advantage of the same, Mr. Bhim Singh who was living on the second floor of the property in question along with his brother Mr. Jogi Ram and son, Arun Kumar, broke open the locks of her portion and removed the household goods. Consequently, the FIR has been registered. The investigations have been carried out.

3. It is further pointed out that Mr. Jogi Ram and Mr. Bhim Singh have been granted Anticipatory Bail. The investigations are, however, on-going. Though the petitioner has joined the investigations after being provided with a protection by this Court since August, 2022 but he is not co-operating in so much as he is refusing to divulge where he has kept the stolen property and is also not producing the relevant documents. The petitioner who is present in person, submits that this is an ancestral property and they do not have any documents or title in respect of the suit property.

4. Considering that the petitioner has been joining investigations since August, 2022 and no custodial interrogation of the petitioner is sought by the Police, it is directed that in the event of arrest, the petitioner shall be released forthwith, with the following conditions:-



- a) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
 - b) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
 - c) The applicant shall join the investigations as and when directed by the IO.
 - d) The applicant shall produce all the requisite information, documents in his power and possession, as and when directed by the Investigating Officer.
 - e) The petitioner will intimate about his mobile number and his residential address to the Investigating Officer and in case of change of mobile number or residential address, the same will be intimated to the Investigating Officer.
5. The Petition is disposed of along with the pending application.
 6. Copy of the order be sent to the learned ASJ/MM, for information and compliance.

NEENA BANSAL KRISHNA, J

AUGUST 7, 2024/RS