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

+ **BAIL APPLN. 268/2024**

NIZAMUDDIN@MUNNA Applicant

Through: Mr. M. R. Chanchal, Adv.

versus

THE STATE(GOVT., N.C.T OF DELHI) Respondent

Through: Mr. Pradeep Gahalot, APP
for the State with Insp.
Narender Chauhan, SI,
Mayur Vihar and SI
Surbhi, PS Mayur Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.02.2024

1. The present petition is filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**) seeking grant of regular bail in e-FIR No. 16071/2020 dated 16.07.2020, registered at e-Police Station Mayur Vihar PH-1, East District, for offence under Section 379/ 411/ 413/ 465/ 467/ 482/ 120B/ 174A/ 34 of the Indian Penal Code, 1860 (**IPC**).
2. The FIR was registered on a complaint given by one Sunil Yadav, alleging theft of his car of the make 'Honda City' bearing No. HR26BQ2318. It is alleged that the incident occurred overnight on 14.07.2020, when the car was parked in front of Upkar Apartment, Sahkarita Marg, Chilla Village, Mayur Vihar Phase-1, Delhi.
3. During the course of investigation, series of transactions were traced with a specific Paytm wallet account bearing No. 9999351670. The transactions spanned from 15.07.2020 to



16.07.2020 and revealed that various toll charges were paid at various toll plazas, indicating the movement of the stolen car.

4. The information with respect to the stolen car was sent to various Police Control Rooms, especially, in Shivpuri and Gwalior districts, in order to apprehend the individuals linked with the suspicious Paytm wallet transactions.

5. An information was received from Police Station Shivpuri, Dist.- Gwalior, MP, regarding the apprehension of two suspects with a Honda City Car with tampered registration plate bearing No. HR51AE5254. Further, it was found that the engine number and the chassis number of the car were matching with that of the stolen car.

6. On 17.07.2020, two accused persons were arrested, namely Amit and Sonu Kumar, who are stated to be residents of Greater Noida, Uttar Pradesh. The name of the present applicant came up during investigation in the disclosure statement of Amit and Sonu Kumar.

7. By order dated 09.09.2020, the present applicant was declared absconding under Section 82 of the CrPC and was arrested by Police Station Crime Branch, Delhi on 08.02.2023. The applicant was arrested in the present case on 16.02.2023 in the Court Complex.

8. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the disclosure statement of the co-accused is not admissible in evidence without there being any corroborative material.

9. He further submits that the only reason, the liability of the present case is fastened on the applicant, is that on an earlier occasion also he was charged for a similar offence.



10. The learned Additional Public Prosecutor for the State submits that the applicant was clearly named by the co-accused persons who were caught red handed with the stolen car, as the person who had paid the money to them for committing the theft.

11. He submits that the applicant, in his disclosure statement, has also admitted the guilt.

12. He further submits that the applicant has a history of committing similar offences.

13. The allegation against the applicant is that he had promised to give money to the co-accused persons for committing the theft of the vehicle. The only evidence against the applicant, at this stage, is the disclosure statement given by the co-accused person who were caught with the stolen vehicle.

14. The evidentiary value of such disclosure statement without any corroboration at this stage, is doubtful.

15. It is also pointed out that the applicant, on an earlier occasion, was charged for a similar offence in FIR No. 19316/2022 under Sections 379/411 of the IPC.

16. The applicant was admitted on bail in the said FIR by order dated 10.04.2023 passed by the learned Metropolitan Magistrate.

17. The chargesheet, in the present case, has already been filed and the trial is admittedly likely to take a substantial period of time. It is not a case that custody of the applicant is required for any further investigation or for the recovery of the stolen vehicle.

18. The applicant is in incarceration for more than one year.

19. In view of the above, the present application is allowed and the applicant is admitted on bail on furnishing a bail bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Duty MM/Link MM,



on the following conditions:

- a. The applicant shall appear before the learned Trial Court on every date of hearing;
- b. The applicant shall not tamper with the evidence in any manner whatsoever;
- c. The applicant under no circumstance shall contact the complainant or any of the witnesses;
- d. The applicant shall upon his release provide his mobile number to the concerned IO / SHO and keep it switched on at all times;
- e. The applicant shall upon his release shall furnish a proof of residence where he shall reside upon his release to the concerned IO/SHO, and in the event of change in address he shall intimate the same to the concerned IO/SHO.

20. In the event of there being any FIR/DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing an appropriate application for cancellation of bail.

21. It is clarified that the observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial. The said observations should not be taken as an expression of opinion on the merits of the case.

22. The present application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 26, 2024

HK / KDK