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

+ **BAIL APPLN. 370/2024**

DANISH KHAN

.....Petitioner

Through: Mr Kumud Shekhar, Mr Murari
Kumar Singh, advocates for the
petitioner

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State.
SI Jainind Kumar PS Jamia Nagar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

31.07.2024

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1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. SED-JN-000850 Dated 28.12.2023 registered under Section 380 of I.P.C. at PS Jamia Nagar.
2. Learned counsel for the petitioner submits that the present FIR was lodged on the statement of Shahbaz Khan. Learned counsel submits that even as per FIR, one boy namely "T" who was admittedly residing along with the complainant stated that on 25.12.2023 the present petitioner and Mujeeb had come to the house of the complainant and induced him to open the door. The complainant stated that on 25.12.2023 around ₹30,00,00 and some jewellery were stolen from his house. The complainant suspected the petitioner and Mujeeb had stolen the articles from his house with the help of Mr. Talib. Learned counsel for the petitioner submits that the petitioner has no role to play in the



present offence. Learned counsel submits that the petitioner had merely come from Amroha along with Mujeeb and he dropped Mujeeb at the house of complainant. Learned counsel submits that only Mujeeb had gone to the house of the complainant and thereafter the petitioner went to the hotel as he had some work. Learned counsel submits that the complaint is false and even no investigation has been conducted as to from where ₹30 lakhs came in the house of the complainant. Learned counsel submits that the petitioner has duly joined the investigation. Learned counsel submits that the police is attempting to induce the petitioner to make a false confession that he was involved in the offence.

3. Learned APP submits that there is a specific statement of the complainant and “T” that the present petitioner that Mujeeb had come to the house of the complainant on the night when the incident occurred. Learned APP submits that around ₹20 lakhs have been recovered from Mujeeb and recovery of remaining stolen properties is yet to be affected. Learned counsel submits that Mr.T is a minor and he is being proceeded with in accordance with the law. Learned APP submits that as per CDR also the petitioner was present close to the house of the complainant at the time of the alleged offence.
4. Learned counsel for the petitioner has also admitted that the petitioner had dropped Mujeeb at the doorstep of the complainant and thereafter left.
5. I have considered the submissions.
6. The Hon’ble Supreme Court has categorically laid down the parameters to be considered while granting Anticipatory Bail. Reliance can be



placed on *Siddharam Satlingappa Mhetre v. State of Maharashtra and Others* AIR 2011 SC 312 and *Sushila Aggarwal v. State (NCT of Delhi)* (2020) 5 SCC 1 wherein it was observed that the nature and gravity of the accusation along with the role of the accused must be carefully looked at. It is a well-settled principle that whilst considering an application for Anticipatory Bail, the role attributable to the applicant must be examined.

7. As per material available on record the petitioner has gone to the house of the complainant. The facts raise a suspicion against the applicant. I consider that the present case is not fit for grant of anticipatory bail as there seems to be an active role of the applicant in the alleged incident.
8. Hence the petition is dismissed.

DINESH KUMAR SHARMA, J

JULY 31, 2024

rb/k..*