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

+ **BAIL APPLN. 523/2024**

RAVINDER KUMAR YADAV

..... Petitioner

Through: Mr. Ramesh Rawat & Ms. Geetanjali,
Advocates.

versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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13.02.2024

CRL.M.A. 4561/2024 & 4562/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 523/2024

3. The instant application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the applicant seeking grant of regular bail in case arising out of FIR No. 209/2023, registered at Police Station Moti Nagar, Delhi for offence punishable under Sections 394/34 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the present case are that the present FIR



was registered on the complaint of one Mr. Pankaj who had alleged that on 20.07.2023, when he was returning his home from his workplace and when he had reached near Satguru Ram Singh Metro Station at about 10:45 PM, one boy had come and asked for a matchbox from the complainant. Thereafter, 2-3 other boys had also surrounded the complainant and had robbed his purse containing Rs.5,000/-, identity cards as well as his mobile phone. As alleged, the accused persons had also attacked the complainant by some sharp object and had caused injury to him on his head. On these allegations, the present FIR was registered.

6. Learned counsel for the present accused/applicant argues that no recovery was affected from the applicant in this case and he has been merely identified during judicial Test Identification Parade. It is also argued that there is no CCTV footage to show that the applicant was present at the spot and further that the injury caused to the complainant was simple in nature. Therefore, it is prayed that the applicant be granted bail.

7. Learned APP for the State, on the other hand, argues that the recovery of the mobile phone belonging to the complainant has been affected from the applicant herein. It is further argued that the applicant was identified by the complainant during the judicial Test Identification Parade. It is submitted that the charges in this case are yet to be framed and, therefore, the present bail application be dismissed.

8. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State, and has perused material available on record.

9. In the present case, it is alleged that the complainant was robbed of his belongings including his wallet, mobile phone and identity cards, and



injury was also caused on his head by the accused persons, including the present applicant. The mobile phone of the complainant was recovered from the possession of the present accused/applicant, and recovery of other robbed articles as well as weapon was made from his associates/co-accused persons. It is also important to note that the complainant in the present case has identified the present applicant in the judicial Test Identification Parade.

10. Considering the fact that the charges are yet to be framed and evidence is yet to be recorded, and since the allegations are serious in nature, no ground for grant of bail is made out, at this stage.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 13, 2024/hs

[Click here to check corrigendum, if any](#)