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

+ **BAIL APPLN. 758/2024**

ANIL KUMAR SHARMA

.....Petitioner

Through: Mr. Nitesh Tyagi and Mr. Jugal
Bagga, Advocates

versus

STATE NCT OF DELHI THROUGH CONCERNED SHO PS

PAHAR GANJ

.....Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Manish PS Paharganj

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.08.2024

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1. The present Anticipatory Bail Application has been filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking Anticipatory Bail in FIR No. 385/2023 registered under Sections 380/454/506/34 of IPC at PS Paharganj.
2. Briefly stated the complainant has sold the property bearing No. 809, Ramdhan, Paharganj, Delhi-110055 to the petitioner, who was earlier occupying a part of the premises as a tenant.
3. According to the complainant, he had a second house in the same vicinity bearing No. 857, Ramdhan, Paharganj, Delhi-110055. He being a PR holder had to suddenly rush to Canada, where his family resides. For the purpose, he took four rooms on the first floor of the property in question, and kept his belongings there before leaving for Canada. However, when he



returned back on 12.03.2023, he came to know that the petitioner had broken open the lock and stolen his articles including foreign currency of 2500 dollars, 10 bottles of foreign liquor and jewellery items, aside from other household belongings.

4. Learned counsel for the petitioner has submitted that the property purchased by the petitioner was occupied by tenants in different portions to get the tenants evicted, the complainant had given Rs.7,00,000/-in respect of which the complainant has already filed a Civil Suit.

5. It is also submitted that some of the stolen items have already been recovered from the house of the complainant. Furthermore, the petitioner has already joined investigations and also claims that the petitioner has been falsely implicated in the present case and therefore, Anticipatory Bail be granted to him.

6. Learned APP for the State submits that the jewellery, foreign currency and foreign liquor is yet to be recovered from the house of the petitioner and hence the Anticipatory Bail is opposed.

7. Submissions heard.

8. It is not in dispute that the petitioner had purchased the property bearing No. 809, Ramdhan, Paharganj, Delhi-110055. However, according to the complainant, he had taken four rooms of the first floor where he had left his household belongings before he left for Canada. Some of the clothes and other items have already been recovered from the house of the complainant and the petitioner has already joined investigations.

9. Considering the nature of the allegations and that the petitioner has already joined investigations, it is directed that in the event of his arrest, the petitioner shall be released forthwith, with the following conditions:-



- a) The petitioner shall furnish a personal bond in the sum of Rs.40,000/- 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.

10. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 29, 2024/PT