



\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 953/2024**

BADAL

..... Petitioner

Through: Mr.Akshay Bhandari, Mr. Anmol Sachdeva, Ms. Megha Saroa and Mr. Kushal Kumar, Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State along with SI Neeraj Choudhary, P.S. Patel Nagar.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.04.2024

%

1. By way of present application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 417/2022 registered under Sections 392/397/120B/411 IPC and Section 25 of the Arms Act at P.S. Patel Nagar.
2. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. It is submitted that charge-sheet has been filed and the complainant has been examined, who has not identified the applicant. It is next submitted that the applicant has been in custody since 02.07.2022 and that the trial is likely to take more time.
3. The bail application is vehemently opposed by the learned APP for the State, who states that as per the allegations levelled in the FIR, the complainant's job was to collect cash from the retails and deposit the collected amount in the bank account of SPAY India Technology Pvt. Ltd. On the date of incident, after the complainant had collected the cash from



entire retailers, when he reached in front of his rented house, two boys suddenly came towards him and by showing pistol, robbed his bag containing Rs.21,88,500/- alongwith other documents. At the instance of the present applicant, apart from the robbed amount of Rs.1.80 lacs, one country made pistol and two live cartridges alongwith the motorcycle used in the commission of the offence were also recovered. Lastly, it is contended that applicant is involved in as many as 5 cases of similar nature including the present case.

4. I have heard the learned counsels for the parties and have perused the material available on record.

5. In the present case, though, the eye-witness has not identified the applicant, the robbed amount of Rs.1.80 lacs as well as pistol and two live cartridges alongwith the motorcycle used in the commission of the offence have been recovered at the instance of the applicant. Further, applicant is involved in five other cases of similar nature.

6. In Deepak Yadav v. State of U.P. & Anr. reported as **(2022) 8 SCC 559**, it was held that at the time of grant of bail not only the nature, gravity and severity of offence has to be seen, but the Court is also required to consider the past conduct and previous record of the accused, as he should neither be a threat to the society nor should there be any chance of him repeating the same offence, amongst other parameters.

7. Considering the totality of the facts and circumstances of the present case, I do not find any reason to entertain the present bail application and the same is dismissed.

MANOJ KUMAR OHRI, J

APRIL 24, 2024/ga