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

+ **BAIL APPLN. 1350/2024**

BALASARASWATI

..... Petitioner

Through: Mr. Kunal Malhotra, Mr. Ravinder Gaur, Mr. Himanshu Kaushik, Ms. Medha Sarin & Ms. Kanika Bhutani, Advs.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Hemant Mehla, APP for the State with SI Rahul Ravi & ASI Shiv Kumar, P.S. Tilak Marg.
Mr. Abhishek Budhiraja, Adv. for complainant with complainant (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.04.2024

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1. The present application under Section 439 read with section 482 of the Cr.P.C. seeks regular bail in case FIR No. 159/2022, under Sections 379 of the IPC, registered at P.S. Tilak Marg.
2. As per the status report dated 24.04.2024, authored by SHO, P.S. Tilak Marg, the case of the prosecution is as under:-

“1. That it is submitted that the above mentioned case FIR was registered on the complaint of complainant Ms. Ritika Prasad D/o Sh. Mahesh Prasad R/o Flat No. 576, Tower 19, River Heights, Raj Nagar Extention, Ghaziabad, Uttar Pradesh. She is practicing advocate in the Hon'ble Delhi High Court and she mentioned in the complaint that on 23/12/2022 she came to Hon'ble High Court, Delhi to attend the



hearing of a case and she carried a bag which contained one laptop worth Rs. 73,000/- and she kept her laptop bag at outside the gate of Court No. 24 as it was not allowed to enter the court room with the bag and she appeared before the court.

2. That after hearing was over she came out from the Court room No. 24 and picked her bag and went to lawyers' chamber for some work and after some time she returned again and kept her laptop bag outside the court No. 24 and she left for lunch at around 12:50 PM and at that time the laptop was inside the bag. After lunch she returned to court room No. 24 at about 01:50 PM and attended her matter which was over at around 03:45 PM and after that she picked up her laptop bag from outside the court room and left the court premises at around 04:00 PM. She did not take out her laptop entire day from the bag.

3. That when the complainant checked her bag then she did not found the laptop in it. Accordingly, the case was registered and investigation was taken up.

4. That during course of investigation CCTV footage in the case was obtained from Delhi High Court and on checking the CCTV footage it revealed that one suspicious lady aged about 40-50 years came near the gate of court room No. 24 and she kept something in her bag from another bag.

5. That during the course of investigation it revealed that one accused namely Bala Saraswati D/o Sh. Krishna R/o 47E, Pocket JC, 3rd Floor, DDA Flat, Hari Nagar New Delhi was arrested in case E-FIR No. 197/2023 U/s 379 IPC P.S. Tilak Marg New Delhi. During interrogation above mentioned accused disclosed that on Dic. 2022 she committed an another offence of theft also at Delhi High Court and stolen a laptop from the gate of court room No.24 of Delhi High Court.

6. That during course of investigation the above-mentioned accused Bala Saraswati was also identified by the complainant at Police Station and she stated that Bala Saraswati was moving outside the court No. 24 on 23 / 12/22.

7. That the accused Bala Saraswati was arrested in this case on 12/08/23 and she was produced before the concerned court. One day PC remand of accused Bala Saraswati was taken from the concerned Court but there was no recovery from the accused. After that Bala Saraswati was sent to judicial custody on 13/08/23.

8. That during course of investigation the above-mentioned accused did not co-operate and she also refused to sign on the arrest memo and disclosure statement.

9. That the chargesheet in the present case has already been submitted



before the concerned MM court on 07/10/2023. 10. The accused moved the bail applications before the session court, Patiala House Court and the same was dismissed vide order dated 09 / 10/23 and 11/01/2024.

11. That the accused moved the bail application before the MM Court and the same has also been dismissed by the concerned MM Court.

12. That the bail application of the accused is strongly opposed.

13. However, undersigned is ready and willing to abide by any direction passed by this Hon'ble Court.”

3. The learned counsel for the applicant submits that the applicant is in judicial custody since the date of arrest i.e., 12.08.2023. It is further pointed out that the chargesheet in the present case has been filed and matter is listed for consideration on the point of charge. It is further submitted that in the other FIR in which the present applicant has been arrayed as an accused i.e., FIR No. 197/2023, under Section 379 of the IPC, registered at P.S. Tilak Marg, the applicant is on bail. It is further submitted that the applicant is ready and willing to abide by any condition as may be imposed by this Court.

4. *Per contra*, learned APP for the State, on instructions of the Investigating Officer, submits that the present applicant has been accused of theft from the High Court premises. It is stated that the present applicant has been seen in the CCTV footage on the said date taking out articles from the bags, including the bag of the present complainant. It is further submitted that, on a previous occasion, the applicant had been arrested for a similar offence.

5. Learned counsel for the complainant alongwith latter through video conferencing submits that the applicant has taken various contradictory stands in her bail applications. It is pointed out that in the previous application for bail, she completely denied her presence in the Court



premises on the date of incident; however, the said stand was falsified on account of CCTV footage, which had been seized and filed alongwith the chargesheet. It is submitted that she has previously been involved in a similar offence in another case FIR. It is further pointed out that, in the order sheet dated 23.12.2022 in CM (M) 1480/2022, the applicant's presence had been recorded by the learned Coordinate Bench of this Court, where she was appearing. Learned counsel for the complainant further submits that the applicant has no roots in the society and there is possibility of her absconding.

6. Heard learned counsel for the parties and perused the record.

7. The applicant has been in judicial custody since 12.08.2023. It is also a matter of record that investigation in the case stands completed and chargesheet has been filed and the matter is fixed for consideration on the point of charge. It is also submitted that CCTV footage recovered has been sent to FSL and a report regarding the same is still awaited. Nominal Roll dated 26.04.2024 reflects that the applicant, as on 25.04.2024, has undergone incarceration for a period of 8 months and 14 days. Nominal Roll further reflects that the applicant is already on bail in the other FIR bearing no. 197/2023.

8. In totality of the facts and circumstances of the case and looking at the period of incarceration of the present applicant, the application is allowed. The applicant is directed to be released on bail, on her furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave NCT of Delhi without prior permission of the learned Trial Court.



- ii. The memo of parties shows that the applicant resides at 47E, Pocket-JC, 3rd Floor, Hari Enclave, Hari Nagar, District West Delhi, Delhi-110064. In case of any change of address, the applicant is directed to inform the same to the Investigating Officer and the concerned learned Trial Court by way of an affidavit.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant is directed to give her mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
9. The application is allowed and disposed of accordingly.
10. Pending application(s), if any, also stand disposed of.
11. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
12. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
13. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 26, 2024/nk

Click here to check corrigendum, if any