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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1492/2024**

RAHUL KUMAR PALPetitioner
Through: **Mr. Randheer Singh, Advocate.**

versus

STATE GNCT OF DELHIRespondent
Through: **Ms. Richa Dhawan, APP for the State**
along with SI Prashant, Special
Staff/North.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

% **ORDER**
24.09.2024

1. Bail application under Section 439 Cr.P.C read with Section 482 Cr.P.C has been filed for grant of regular bail in FIR No.111/2022 dated 04.04.2022 under Sections 365/395/342/170 IPC P.S.Lahori Gate.
2. It is submitted that the accused has been implicated falsely in this case. His first bail application has already been dismissed by the learned ASJ. The complainant initially registered e-FIR for theft of Rs.10 lakhs but subsequently concocted the story and stated a different version in which he alleged the robbery amount of Rs.65 lakhs.
3. Charges have been framed against the petitioner. The complainant was partly examined but the testimony could not be concluded. PW-2 has also been partly examined. It is further



submitted that there are material contradictions in the testimony of PW.1 & 2.

4. The co-accused has been subsequently arrested and a Supplementary Chargesheet has been filed in the Court on 31.10.2023. The Charges have been reframed on 13.03.2024 and the matter is again fixed for prosecution evidence and the witnesses have been recalled. The petitioner submitted that he is in judicial custody since 25.04.2022 and hence may be admitted to bail.

5. The State has submitted the **Status Report** wherein it is submitted that though initially the amount stated to have been robbed was Rs.10 lakhs but subsequently it has been found to be Rs.65 lakhs. The CCTV footage of the place of incident has been analysed and the complainant has identified the suspects and one white colour Mahindra Scorpio Car bearing Registration No.UP-80-DJ-0888 registered in the name of Raj Narayan Pratap Singh. His statement was recorded who stated that the accused Rahul Kumar Pal who is the Constable in UP Police, had taken away his vehicle on the alleged date and time.

6. The accused had surrendered before Jail Authority, Agra after commissioning present robbery while he was on bail in another robbery case registered vide FIR No.479/2018 under Section 392 IPC P.S.Hari Parvat, Agra, U.P. The accused was formally arrested in the present case on 25.04.2022. The Scorpio car used in the offence was recovered at the instance of accused while he was in Police Custody. However, the accused did not cooperate in recovery of the robbed money on the pretext that it was not shared and was in the possession



of co-accused Monu and Viresh who have also been arrested but they have refused to participate in TIP. The Bail Application is thus, opposed.

7. Learned counsel on behalf of the accused/Petitioner has clarified that the subsequent FIR had been arrested out of political rivalry as the petitioner was posted in the security of a MLA. The said matter has already been settled. Hence, the prayer is made for grant of bail.

8. **Submissions Heard.**

9. The allegations against the petitioner are that he being a Constable in U.P Police had abducted the complainant and committed robbery of Rs.65 lakhs. The entire incident was captured in the CCTV footage. The co-accused have been apprehended subsequently after they were declared P.O. The testimony of the public witnesses is yet to be concluded.

10. Considering the gravity of the offence and that the material prosecution witnesses are yet to be recorded, the Bail Application is hereby dismissed.

NEENA BANSAL KRISHNA, J

SEPTEMBER 24, 2024

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