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

+ **BAIL APPLN. 1595/2024**

ANKIT

..... Petitioner

Through: **Mr.Rakesh Kumar Dudeja, Ms.Priti
and Mr.Devendra Kumar, Advocates.**

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Ms.Kiran Bairwa, APP for State**

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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07.05.2024

CRL.M.A. 13903/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 1595/2024 & CRL.M.(BAIL) 767/2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in e-FIR No.80027406/2024 under Section 380 IPC registered at P.S. Prem Nagar.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of the prosecution, complainant alleged theft of Rs.6 lakh alongwith jewellery from his residence. During course of investigation, accused Sunny @ Makhi was arrested on the basis of analysis of CDR.

Further accused Harjeet @ Raju in his disclosure statement revealed



that theft was committed by him alongwith Aakash @ Babu, Sunny @ Makhi, Ankit (petitioner) and Pramod and an amount of Rs.13,000/-, Rs.9,000/- and Rs.5,000/- was recovered at instance of Harjeet @ Raju, Aakash @ Babu and Pramod.

4. Learned counsel for the petitioner submits that the petitioner joined investigation and is not associated with the alleged incident.

5. On the other hand, application is opposed by learned APP for the State and it is submitted that the presence of accused at the spot is corroborated through Call Detail Record (CDR) and several calls were exchanged between the petitioner and co-accused on the date of theft. It is further submitted that substantial part of stolen amount is yet to be recovered.

6. Considering the facts and circumstances, since substantial recovery is yet to be effected and involvement of the petitioner cannot be ruled out on the basis of CDR, this Court is of the considered opinion that custodial interrogation of appellant is imperative. No grounds for anticipatory bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

MAY 7, 2024/v