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

+ **BAIL APPLN. 2409/2023 & CRL.M.A. 19088/2023**

JAGANNATH SAW Applicant

Through: Mr. Arnab Kumar Mondal,
Adv. (through VC)

versus

STATE, THE GOVT OF NCT OF DELHI, THROUGH
SHO, IGI AIRPORT POLICE STATION Respondent

Through: Mr. Utkarsh, APP for the
State

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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25.01.2024

CRL.M.A. 19087/2023 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2409/2023

3. The present application is filed under Section 438, read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC'), seeking grant of pre-arrest bail in FIR No. 16849/2023 dated 07.06.2023, registered at Police Station e-Police Station (IGI Airport, IGI Unit) for the offence punishable under Section 379 of the Indian Penal Code, 1860 ('IPC')

4. The FIR was registered on a complaint made by the complainant namely, Tek Chand Yadav, alleging that the applicant had stolen the car belonging to Juniper Hotels Private Limited, from Andaz Hotel, Aerocity, Delhi. It is alleged that the applicant, at the relevant time, was working as a driver with Ashoka Tours and Travels, who are engaged in the business of



providing cars and taxis to Andaz Hotel, Aerocity, Delhi.

5. The learned counsel submits that the applicant is only working as a driver with Ashoka Tours and Travels and, on instructions, he drove the car and handed over its possession to the co-accused, namely, Mr. Pawan Kumar.

6. He submits that the applicant is only a driver and there is no reason why he would commit theft of the car despite being employed at the time. He submits that he has been falsely implicated.

7. The learned Additional Public Prosecutor for the State opposes the grant of any relief to the applicant. He submits that the investigation clearly reveals that the applicant sold the car to co-accused Pawan Kumar. He further submits that the car was recovered from the possession of one, Mansoor, who disclosed that he had purchased the same from a car dealer to whom the co-accused Pawan Kumar had sold the vehicle. It is further alleged that a sum of ₹6,00,000/- was received by the applicant.

8. It is not disputed that the car has already been recovered. The maximum punishment for offence punishable under Section 379 of the IPC is three years.

9. In the opinion of this Court, no purpose would be served by allowing the custodial interrogation of the applicant who is stated to have a family to take care of, which includes a wife and a minor child.

10. Subject to the applicant joining and cooperating with the investigation, it is directed that, in the event of arrest, the applicant be released on bail, on furnishing a personal bail bond for a sum of ₹25,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:



- a. The applicant shall join and cooperate with the investigation as and when directed by the Investigating Officer;
 - b. The applicant shall not tamper with the evidence in any manner;
 - c. The applicant under no circumstance shall contact the complainant or any of the witnesses;
 - d. The applicant shall not leave the boundaries of the city without informing the concerned Investigating Officer;
 - e. The applicant shall provide his mobile number to the Investigating Officer during the course of the day and keep his mobile phone on switched on mode at all times.
11. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial. The said observations should not be taken as an expression of opinion on the merits of the case.
12. The present application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 25, 2024
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