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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1849/2024**
MUSKAN Petitioner

Through: Mr. Ujjwal Goel, Advocate.

versus

STATE NCT OF DELHI & ANR. Respondents
Through: Ms. Kiran Bairwa, APP with SI Sonu
and HC Upender, PS: Seemapuri.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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22.05.2024

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 FIR No. 0166/2024, under Sections 380/457 IPC, registered at PS: Seemapuri. Section 411 IPC was subsequently invoked.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per case of prosecution, present FIR was registered on complaint of respondent No. 2 / Om Prakash, who alleged theft of jewellery, mobile phone and purse etc. from his house. During course of investigation, accused Saami @ Samy was arrested. Further, stolen mobile phone was found to be operational and was being used by petitioner / Muskan (daughter of Mohd. Shafiq and Afsana).
4. Learned counsel for petitioner submits that petitioner had only used the SIM Card of the said mobile phone and is in no manner connected with theft of said mobile phone.



5. On the other hand, learned APP for State opposes the application and submits that said mobile phone could not be recovered from petitioner, since she and her mother Afsana have refused to cooperate in investigation and hand over the mobile phone, which was in their possession. She further points out that non-bailable warrants already stand issued against petitioner, who has failed to join investigation.

6. Considering the facts and circumstances, custody of petitioner appears to be imperative in order to recover stolen mobile phone. 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 22, 2024/R