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

+ **BAIL APPLN. 1924/2024**

SHOAIB @ LALLA

.....Petitioner

Through: Mr. Faheem Alam and Ms. Malika
Khan, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for the State
with Mr. Sandeep Rexwal, Ms.
Shubhi Waseem, Mr. Tanzeem
Hashmi, Ms. Bhumika Rajpal,
Advocates.

SI Narender Singh, PS CR Park

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.07.2024

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1. The present application under Section 439 Cr.P.C has been filed by the Petitioner for grant of regular bail in FIR No.335/2022 dated 26.12.2022, registered at Police Station C. R. Park for offences punishable under Sections 457/380/411/427 IPC.
2. The facts of the case reveal that a complaint has been filed by the Complainant stating that when the nephew of the Complainant resident of B-5, Kings Court, Greater Kailash-2, New Delhi had gone to Thailand, somebody broke into his house and committed theft. On the examination of the CCTV footage, the Petitioner was identified and the present FIR was registered against the Petitioner. The Petitioner was arrested on 27.12.2022. Chargesheet has been filed and the charges have also been framed.



3. Learned Counsel appearing for the Petitioner contends that all the public witnesses have been examined. He states that the trial is proceeding with snail's pace and about 8 witnesses are left to be examined. He prays that the Petitioner may be enlarged on bail.

4. *Per contra*, learned APP for the State vehemently opposes the bail application of the Petitioner by contending that the Petitioner is involved in several cases of similar nature. He states that the Petitioner has been convicted in two cases and he is on bail in four cases and, therefore, the propensity of the Petitioner to commit the same offence again cannot be ruled out.

5. The parameters for grant of bail have been succinctly laid down by the Apex Court in several judgments. In Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496, the Supreme Court laid down the parameters for granting or refusing the grant of bail which are as under:

“i. whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

ii. nature and gravity of the accusation;

iii. severity of the punishment in the event of conviction;

iv. Danger of the accused absconding or fleeing, if released on bail;

v. character, behavior, means, position and standing of the accused;

vi. Likelihood of the offence being repeated;



vii. Reasonable apprehension of the witnesses being influenced; and

viii. Danger, of course, of justice being thwarted by grant of bail.”

6. Though the Petitioner is involved in cases but considering the fact that the Petitioner has already spent about 18 months of incarceration, the trial is not likely to be concluded in the near future and the fact that the Petitioner is on bail in four other FIRs, this Court is inclined to enlarge the Petitioner on bail, subject to the his furnishing security in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Trial Court/Magistrate/Duty Magistrate and further subject to the following conditions:

- a. The Petitioner shall report to the concerned Police Station every Tuesday and Friday at 10:00 AM and should be released after completing all the formalities within an hour.
- b. The Petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- c. The Petitioner shall not leave NCT of Delhi without prior permission of the concerned Court.
- d. The Petitioner shall appear before the Trial Court on each and every date of hearing.
- e. The Petitioner shall not tamper with the evidence or try to contact the complainant or the person in whose house he has committed theft.



- f. Violation of any of the above conditions will result in cancellation of bail granted to the Petitioner.
7. The application is disposed of.

SUBRAMONIUM PRASAD, J

JULY 24, 2024

S. Zakir