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

+ **BAIL APPLN. 1992/2024**

AKASH KUMAR

..... Petitioner

Through: Mr Arun Kumar Rathi and Mr Anil
Rathee, Advocates.

versus

THE STATE GNCT OF DELHI

..... Respondent

Through: Mr Laksh Khanna, APP for the State
with Insp. Benkatesh Kumar, PS
Gulabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

05.06.2024

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1. The present petition has been filed under Section 439 read with Section 482 CrPC seeking regular bail in connection with FIR No.0271/2023 under Sections 392/397/411/201/120B/34 IPC and Sections 25/54/59 of the Arms Act registered at PS Gulabi Bagh.
2. The case of the prosecution in brief is that the petitioner is actively involved in a conspiracy with the co-accused whereby a sum of Rs.1 crore was robbed in the bright day light from the complainant, as well as, his associate, by brandishing weapon, at a public place. It is further the case of the prosecution that an amount of Rs.33,000/- was recovered from the present petitioner.
3. Learned counsel for the petitioner submits that there is no



incriminating material to show that the petitioner was present at the place where the incident happened nor any recovery of offence weapon has been effected from him. He submits that only recovery of Rs.33,000/- was made which amount belongs to him and his family. He further submits that the petitioner is a student and has a bright career. His antecedents are also clean. He, therefore, urges the Court to enlarge the petitioner on bail.

4. *Per contra*, the learned APP for the State has argued on the lines of the status report, which has been handed over in the Court and is taken on record.

5. I have heard the learned counsel for the petitioner, as well as, the learned APP for the State and have perused the material on record.

6. It is not in dispute that there is no incriminating material to show that the petitioner was present at the spot of incident. The incriminating material is only in the form of CDRs showing connection of the petitioner with other co-accused and his location at Moti Nagar. However, the evidentiary value of the said CDRs will be considered by the learned Trial Court during the trial.

7. It is also an admitted position that the petitioner does not have any criminal record. Further, the petitioner is a student aged about 23 years and is not required for the purpose of recovery or for further investigation. It is also not the case of the prosecution that the petitioner is a flight risk.

8. Considering the aforesaid circumstances, this Court is of the view that the petitioner is entitled to grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing Personal Bond in the sum of Rs. 25,000/- and a Surety Bond of the like amount, subject to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further



subject to the following conditions:-

- (a) Petitioner/applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - (b) Petitioner/applicant shall provide his mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the Investigating Officer concerned. The mobile location be kept on at all times.
 - (c) Petitioner/applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the, witnesses or any family members of the witnesses.
9. It is made clear that the observations made herein above are only for the purpose of considering the bail application and the same shall not be deemed to be an expression of opinion on the merits of the case.
10. The petition stands disposed of.
11. Copy of the order be forwarded to the concerned Jail Superintendent for information and necessary compliance.
12. Order be uploaded on the website of this Court.
13. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN
(VACATION JUDGE)

JUNE 5, 2024
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