



2024:DHC:4975



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision:03rd July, 2024***+ **BAIL APPLN. 2098/2024**

RIYAZ MALIK @ RIYAZUDDIN

.....Petitioner

Through: Mr. Mukesh Kalia, Ms. Kanika Vohra, Mr. Lakshay Dhillon and Mr. Shivam Sharma, Advocates.

versus

THE STATE N.C.T OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State with SI Aayush Rajput, P.S. Jama Masjid.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. The application under Section 438 Cr.P.C read with Section 482 Cr.P.C has been filed on behalf of the petitioner for grant of anticipatory bail in connection with Case FIR No. 113/2024 dated 04.02.2024, registered under Sections 385/506 IPC, Police Station Jama Masjid.
2. Status report has been handed over in the Court and the same be taken on record.
3. Learned counsel on behalf of the petitioner has argued that though this is the second Anticipatory Bail, but the first Anticipatory Bail had been withdrawn vide Order dated 08.05.2024 with liberty to approach the learned

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ASJ. It has not been disposed of on merits.

4. It is further submitted that the learned ASJ vide Order dated 14.05.2024 has rejected the bail of the accused. It is further submitted that the two co-accused have already been granted bail and on the principle of parity, the present accused was entitled to grant of bail. Initially the offences in the bail were 385 and 506 IPC which were bailable, but despite having received a complaint of threat for ransom on 02.02.2024 the offences under which the bail has been granted is under 385/506/34/120B IPC on 09.02.2024 which were bailable offence.

5. Subsequently, Section 387 IPC has been added on the averments that there was a threat for ransom which was extended by this accused. However, the bail has been granted to other two co-accused on 09.02.2024 which is subsequent to the alleged threats given on 02.02.2024, 04.02.2024, and 07.02.2024. Despite the complaint already having been received in the Police Station, the Bail has been granted and it cannot be said that it was without the knowledge of alleged threat for ransom that the bail had been granted to the co-accused. Therefore, on the grounds of parity, this accused is also entitled to grant of Anticipatory Bail.

6. **Learned Prosecutor on behalf of State** has opposed the bail on the ground that there is involvement of the applicant in at least six prior cases which include those of theft, counterfeit money, forgery, cheating, making threats etc. The investigations presently are at a crucial stage. Moreover, while the initial complaint was under 385/506/34 IPC, but subsequently because of the threats extended by the accused on 07.02.2024, of which the complainant produced a call recordings and a transcript, the offence under Section 387 IPC had been added. Moreover, the threat extended was that



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the son-in-law of the complainant had been spared his life by merely being hit with a vehicle. However, if the amount was not given, dire consequences would follow. Because of the gravity of the offence, Section 387 IPC has been added subsequently on 09.02.2024. It is submitted that the accused had also extended the threat that he was the associate of one Naveen Bali of the Neeraj Bawania Gang which is involved in all kinds of serious crimes. With this kind of threats, it would not be in the interest of justice if the bail is granted to the accused.

7. Submissions heard.

8. The accused has been involved in at least six criminal cases aside from this which were of serious offences of theft, counterfeit money, forgery etc. Moreover, the alleged threats which have been extended by the applicant whereby ransom has been demanded and further dire consequences have been threatened, if the Police is approached. The threats are of serious nature wherein his being a part of the Neeraj Bawania Gang has also been alleged.

9. Considering the gravity of the offence and also that the bail of the other two co-accused was under Section 385/506 IPC which were bailable offences, no ground for Anticipatory Bail is made out.

10. The bail application is hereby dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 01, 2024

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