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

+ **BAIL APPLN. 2167/2024**

SHAKTIVEL @ ANNA

.....Petitioner

Through: Ms Priyanka Deo and Ms Priyanka
Aneja, Advocates.

versus

STATE

.....Respondent

Through: Mr. Raghuinder Varma, APP for the
State with SI Sandeep Kumar,
Narcotics Squad, South Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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16.07.2024

CRL.M.A. 20531/2024 (under Section 482 CrPC filed by the petitioner for early hearing)

1. The application under Section 482 CrPC has been filed on behalf of the petitioner seeking early hearing.
2. Learned APP appearing on behalf of the State, has no objection if the application is allowed. Consequently, the reasons stated therein, the application is allowed.
3. With the consent of the parties, the Bail Appln. No. 2167/2024 is taken up today.
4. The application stands disposed of.

BAIL APPLN. 2167/2024 (under Section 438 read with Section 482 of CrPC filed by the petitioner for grant of anticipatory bail)



5. The Bail Application under Section 438 CrPC read with Section 482 CrPC has been filed on behalf of the petitioner for grant of anticipatory bail.

6. Learned counsel on behalf of the petitioner has submitted that there is no evidence whatsoever against the applicant/accused. His name was disclosed by one Gaurav, who was found in possession of the drugs. He disclosed the name of Ganesh, who in turn has disclosed his name, though there is no connection in any commission of offence.

7. Learned counsel for the petitioner has further explained that because the accused had been in working relationship with Ganesh, they have CDR connectivity on which the prosecution has relied so heavily.

8. It is further submitted that he was never aware of the FIR, about which he came to know from the neighbour and thereafter, he has always been willing to co-operate and join the investigations. It was not being untraceable or was, avoiding joining of the investigations. It is re-emphasised that there is no evidence whatsoever against him except the disclosure of one Ganesh. It is, therefore, submitted that the petitioner is willing to join the investigations and co-operate in every manner, for which he may be given the protection of anticipatory bail.

9. Learned APP appearing on behalf of the State, has opposed the grant of anticipatory bail on the ground that there is CDR connectivity of this accused with one Ganesh, which *prima facie* establishes their complicity. The accused has been avoiding joining the investigations and the prosecution is in the process of obtaining his NBWs today. He has been avoiding joining the investigations, which are at very nascent stage and the interrogation is required to establish his connection with the commission of the offence. Furthermore, there are two Excise Cases pending against him.



The anticipatory bail is, therefore, strongly opposed.

10. **Submissions heard.**

11. Though the name of the accused has featured in the disclosure statement of the co-accused Ganesh, but it cannot be denied and overlooked that the investigations are at very nascent stage. Looking at the nature of the offence and also that till date, the accused has not joined the investigations, it is not a fit case for grant of anticipatory bail, which is hereby dismissed.

12. The application is disposed of.

13. The next date of hearing i.e. 07.10.2024 stands cancelled.

NEENA BANSAL KRISHNA, J

JULY 16, 2024/RS