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

+ **BAIL APPLN. 2377/2024**

CHANDAN @ MAKHAN

.....Petitioner

Through: Mr.Shivam Kumar, Mr.Deepanshu
Rana, Mr.Harshit Shishodia,
Mr.Deepak Shah, Mr.Vishal Chauhan
and Ms.Tarranum, Advts.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr.Satish Kumar, APP for the State
SI Krishan Kumar, PS New Ashok
Nagar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

11.07.2024

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CRL.M.A. 20035/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2377/2024

1. Present bail application has been filed under Section 439 read with Section 482 Cr.P.C. for grant of bail to the petitioner in case e-FIR no.ED-NAN-000549 dated 25.07.2023 registered under Section 380 IPC at e-Police Station (New Ashok Nagar, East District).
2. Learned counsel for the petitioner submits that petitioner is in custody since 01.08.2023.



3. The allegations in the FIR are that a theft took place in a dwelling house of the complainant. The FIR was registered online. The complainant had alleged that on 21.07.2023 the Complainant had gone to his village after locking his house, subsequently on 25.07.2023 when he returned back, he found the articles in his house lying scattered. The complainant found that a mobile phone, two chains, two gold Mangalsutras, one gold chain, silver payal and LED Television were missing. Besides this, the complainant found that two trolley bags, 9 silver coins and one another silver payal were also found missing. Learned counsel for the petitioner submits that even as per the case of the prosecution, the recovery of the stolen articles was effected from the present petitioner on the basis of the disclosure statement. Learned counsel submits that the petitioner is in custody since 01.08.2023. The chargesheet has been filed and therefore the petitioner may be admitted to bail.
4. Learned APP for the State, on the instructions, has opposed the bail application. Learned APP submits that the petitioner is involved in several other cases of the same nature. He also submits that if the accused is admitted to bail, he may not attend the trial.
5. I have considered the submissions.
6. The perusal for the charge sheet indicates that during investigation, IO went to Block No.18, Trilok Puri and on inspection of CCTV camera there he found two boys on Splendor Motorcycle carrying two bags of blue and dark blue colour. The petitioner recorded the CCTV footage on his mobile phone. On 01.08.2023 while the IO was searching for the boys seen in the CCTV footage, the petitioner was apprehended on



the basis of a secret information. Allegedly the petitioner was found sitting on the motorcycle and on pointing out of the secret informer, the petitioner was apprehended. The petitioner allegedly made the disclosure statement and got discovered certain stolen articles.

7. The perusal of the chargesheet indicates that the discovery was effected on the basis of the disclosure statement. The chargesheet also indicates that no public person could be joined. The petitioner is in custody since 01.08.2023. Without making any observation on the merits of the case, I consider that prima facie the petitioner is entitled to be admitted to bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount, subject to the satisfaction of the Trial Court, subject to the following conditions:
 - a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
 - e) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. The petition stands disposed of.
9. Needless to say that any observation in the present order will not be tantamount to the expression of an opinion on the merits of the case.



10. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

DINESH KUMAR SHARMA, J

JULY 11, 2024

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