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

+ **BAIL APPLN. 2229/2024**

AJAY PAL SINGH

.....Petitioner

Through: Ms. Kannupriya Paliwal & Mr. Karan
Kaushik, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: S.I. Ashish Kumar, PS Chanakyapuri,
Delhi.

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+ **BAIL APPLN. 2469/2024**

SUSHEEL YADAV

.....Petitioner

Through: Ms. Kannupriya Paliwal & Mr. Karan
Kaushik, Advocates.

versus

STATE, NCT OF DELHI

.....Respondent

Through: S.I. Ashish Kumar, PS Chanakyapuri,
Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.08.2024

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1. The present Petitions under Section 438 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) have been filed on behalf of the petitioners seeking anticipatory bail in e-FIR No. 80036759/2024 registered under Section 379 of the Indian Penal Code, 1860 at Police Station Chanakyapuri, Delhi.

2. It is submitted that the petitioner-Susheel Yadav had been employed in the Hospitality Services on regular basis in Hotel ITC Maurya, for the



last 3-4 months.

3. On 06.04.2024, the petitioner-Susheel Yadav had reported for duty in the Hotel, but he was feeling uncomfortable since morning. He after working for a few hours, went back his home after informing his colleagues. The petitioner-Susheel Yadav exited from the same gate from where he usually used to exit which is used by the housekeeping staff. Subsequently, the petitioner-Susheel Yadav was called upon by the other staff to inquire about his well-being.

4. The petitioner-Ajay Pal Singh, who is the father of the petitioner-Susheel Yadav, took his son to home town at Etah, Uttar Pradesh, where they have been residing since then.

5. It is only after the Notice under Section 41A of Cr.P.C., 1973 was affixed at their address that they came to know about the registration of FIR.

6. It is submitted that no theft had been committed by the petitioner-Susheel Yadav and they have been falsely implicated in the present case.

7. Learned counsel for the petitioners submits that the petitioner-Susheel Yadav had reported for his duty and had been going in and out from the route as mandated by his duty and that no theft of any amount has been committed. Moreover, the petitioner-Susheel Yadav has already joined the investigations pursuant to the Notice under Section 41A of Cr.P.C., 1973.

8. The petitioners, apprehending their arrest, have filed the present petition seeking anticipatory bail.

9. **The Status Report has been filed on behalf of the State**, wherein it is submitted that the petitioner-Susheel Yadav, who was working as a Housekeeping Staff, came out of the room of the complainant, who is a US



citizen, who made a complaint of USD 9500/- being stolen from his room.

10. Submissions heard.

11. The complainant got the present FIR lodged of USD 9500/- stolen from his room. The petitioner-Susheel Yadav has been suspected to have committed the crime of theft as he was seen coming into and going out from the room of the complainant. Moreover, the petitioner-Susheel Yadav left the Hotel on the pretext of being unwell despite there being a medical store available in the Hotel itself. Thereafter, both the petitioners along with family members left for their home town at Etah, Uttar Pradesh.

12. The petitioner-Susheel Yadav has already joined the investigations pursuant to the Notice under Section 41A of Cr.P.C., 1973 and no recovery of money has been effected. No custodial interrogation of the accused is sought.

13. Considering the nature of allegations and also that he has already joined investigations, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer, subject to the following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- each with one surety each in the like amount from a family member to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioners may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice



the proceedings in the pending trial.

14. The petitions stand disposed of in the above terms

NEENA BANSAL KRISHNA, J

AUGUST 28, 2024

S.Sharma