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

+ **BAIL APPLN. 2594/2024**

JITENDER @ SANJU @ GANJAPetitioner
Through: **Mr. Rahul Thakur, Adv.**
(through VC)

versus

THE STATE (N.C.T. OF DELHI)Respondent
Through: **Mr. Naresh Chahar, APP**
for the State with **Ms.**
Nisha Sharma, Ms.
Bhavya Nayyar, Mr.
Ayush Tulsyan, Mr. Utsav
Kataria, Ms. Ankur Kaul
Chandhioke, Ms. Rachna
Katuyar & Ms. Mahima
Singh, Advs.
SHO/ Inspector Ajay
Singh Negi & SI Ajay
Kumar, PS- Ashok Vihar

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
25.07.2024

CRL.M.A. 21563/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2594/2024 & CRL.M.A. 21564/2024

3. The present application is filed seeking regular bail in FIR No. 305/2023 dated 07.05.2023 registered at Police Station Ashok Vihar for offences punishable under Sections 395/397/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959.

BAIL APPLN. 2594/2024

Page 1 of 3



4. The FIR was registered on a complaint that on 7.05.2023, when the complainant opened the room after hearing a knock on the door, he found five unknown persons standing along with his father and other family members, out of which one of the unknown persons was carrying a country made pistol that was pointed towards the head of the father. They threatened the complainant and asked him to give all the valuables. The family members were kept hostage in one room and the house was robbed of cash of ₹ 1.38 crores, jewellery and three mobile phones.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and that the complainant has failed to identify the applicant during the TIP proceedings.

6. The bail application filed by the applicant on an earlier occasion before this Court was dismissed as withdrawn by order dated 25.04.2024, granting liberty to file the application before the learned Trial Court at a later stage.

7. The applicant, thereafter, filed an application before the learned Trial Court stating that since the charges have been framed, there is a change in circumstance.

8. The learned Trial Court noted that the weapon of offence has been recovered from the possession of the applicant and the applicant can be clearly seen in the CCTV footage of the house of the complainant.

9. It is not disputed that the applicant is involved in many more cases of similar nature.

10. The learned Additional Public Prosecutor for the State, on instructions from the Investigating Officer, pointed out that the applicant is a bad character of the Mangol Puri area.



11. Considering the gravity of the offence and the fact that material witnesses are yet to be examined, the applicant is not entitled for grant of bail at this stage.

12. Even otherwise, only because charges have been framed against the petitioner, the same is not a changed circumstance of such nature to entitle applicant to file another bail application. The bail application filed by the applicant was dismissed by this Court only three months back.

13. The Hon'ble Apex Court in the case of **Kalyan Chandra Sarkar v. Rajesh Ranjan : (2004) 7 SCC 528** had observed as under:

“20. Before concluding, we must note that though an accused has a right to make successive applications for grant of bail the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.”

14. It has been held in a catena of judgments that there must be change in circumstances to warrant fresh consideration of the bail application. The successive bail applications filed without there being any material change in circumstances, is strongly discouraged, and is a gross abuse of the process of law.

15. The application is, therefore, dismissed.

AMIT MAHAJAN, J

JULY 25, 2024

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