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

+ **BAIL APPLN. 3697/2023**

MANISH GEHLOT

.....Petitioner

Through: Mr. Chemendra Kaushik, Advocate.
versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Sandeep Kumar PS PIA and
ASI Sudhir, PS Seema puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

05.09.2024

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1. The Bail Application under Section 439 of CrPC has been filed on behalf of the petitioner for grant of bail in FIR No. 507/2021 for the offence under Section 392/397/411/34 IPC read with Section 34 IPC, registered at Police Station Patparganj Industrial Area Delhi.

2. It is submitted in the application that the case of the prosecution is that he along with three other persons, had committed robbery of money etc. on gun point and the matter is pending trial. The Charges under Section 392/397/34 IPC and 25/24/59 of Arms Act, have been framed against the accused on 05.05.2022 and the matter is fixed for prosecution evidence on 07.12.2023. It is submitted that there were seven public witnesses, out of which six witnesses have already been recorded but one public witness is still remained to be examined. It is submitted that the incident took place opposite the Anand Vihar Bus Terminal, which is a crowded area despite



which the Police has not made any endeavor to search for the CCTV footage, to identify the accused persons, which reflects their *mala fide* in falsely implicated the present petitioner. Since the public witnesses stand recorded, there is no apprehension of the petitioner threatening the complainant or the public witnesses. There is no other incriminating evidence against the applicant. He is not concerned with the alleged incident in any manner and the allegations leveled against him are false and frivolous. There is no chance of his absconding or tampering with the prosecution evidence. Hence, the Bail is sought under Section 439 CrPC.

3. Status Report has already been filed on behalf of the State wherein it is submitted that there are two other cases of similar nature, which have been registered against the petitioner. The public witnesses have all identified the petitioner. Looking at the gravity of the offence and his role and also that an ATM Card have been recovered from his possession, the bail application is opposed.

4. **Submissions heard.**

5. FIR has been registered on the complaint that on 02.11.2021 while he was waiting at the bus stand, to take a bus to Unnao, U.P. which did not come. A black colour Swift Car which had four occupants, stopped near him and offered him to drop Saket. He got into the vehicle and thereafter, three occupants on gun point along with four persons threatened him and took away his cash, Debit Card from his purse. No money could be withdrawn from the ATM as it was not active. He was, thereafter, pushed out of the car near Delhi 99, OXI House, Bhopura, Ghaziabad, U.P. The accused persons have been arrested subsequently. Six public witnesses have been examined and he has been duly identified by the complainant in TIP and in his



testimony in the Court.

6. Considering the gravity of the offences and that one public witness is yet to be examined and also the antecedents of the petitioner, no ground for bail is made out, which is hereby dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

SEPTEMBER 5, 2024/RS