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

+ BAIL APPLN. 3764/2023

MAJID

..... Applicant

Through: Mr. Hari Shanker, Adv.

versus

STATE

..... Respondent

Through: Mr. Utkarsh, APP for the
State with SI Manoj
Kumar, ASI Chander
Prakash, PS NAN.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

30.01.2024

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1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.14696 dated 20.05.2023 under Sections 379/401/411/414/472/476/482/34 of the Indian Penal Code, 1860 registered at E-Police Station New Ashok Nagar.

2. It is alleged that a car belonging to complainant, Pradeep Kumar got stolen in the early hours on 20.05.2023 from New Ashok Nagar area. During the course of investigation the applicant was apprehended on the basis of a secret information, and a stolen swift car along with several incriminating material was recovered at his instance.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that applicant has been fastened with the liability of the alleged offence only because on an earlier occasion, case of similar nature was registered against the applicant.

4. He submits that the applicant has either been discharged or

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acquitted in the cases registered against him, on similar allegations. He submits that the applicant is a mechanic by profession and the recovery of two number plates with cover, handle lock, and new blank remote keys etc., is quite natural and the same cannot be linked with the theft of any vehicle.

5. The learned Additional Public Prosecutor for the State, however, opposes the grant of any relief to the applicant and submits that the applicant is a habitual offender and multiple FIRs have been registered against him for the similar offence of theft of vehicles.

6. It is not disputed that the chargesheet in the present case has already been filed and the investigation is complete. It is not denied that the stolen car has been recovered. The maximum punishment for the offence under Section 401 IPC is seven years and for other offences as alleged, the maximum punishment is three years.

7. The learned counsel for the applicant submits that the applicant has been falsely implicated in the other cases only for the reason that he is a mechanic and it is easy for the prosecution to fasten the liability of every car which is stolen, on the applicant.

8. The defence raised by the applicant would be tested during the trial. However, at this stage, when the chargesheet is filed and no further investigation is required, this Court is of the opinion that further incarceration of the applicant is not required. The applicant is stated to be sole bread earner of the family and does not belong to such *strata* of the society, where the family can look after themselves. The applicant is in custody since 06.08.2023. The trial would take considerable amount of time, and further incarceration would amount to conviction before the
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conclusion of trial.

9. In view of the above, the applicant is directed to be released on bail on furnishing a bail bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM on the following conditions:

- a. He shall under no circumstance leave the country without the permission of the Trial Court;
- b. He shall appear before the learned Trial Court as and when directed;
- c. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- d. He shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.

10. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by way of seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and also not be taken as an expression of opinion on the merits of the case.

12. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JANUARY 30, 2024

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