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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2797/2024**
ASIF MALIKPetitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHIRespondent

Through: Ms. Meenakshi Dahiya, APP.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **08.08.2024**

CRL.M.A. 23438/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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1. An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 80038941/2024, under Sections 380/457 IPC, registered at PS: e-Police Station (Sangam Vihar).
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of prosecution, present FIR was registered on 15.04.2024, on complaint of Amit Kumar Rana, Security Incharge, Bharti Airtel Centre, who alleged that on 13.04.2024, TDD Jumper (Kenya to Kenya)-04 pieces, SFP 10GB-04 pieces, Optical Fiber Cabel-1 Piece (30 meter), RRU Clamp-1 piece, one RRU Power Connector-1 piece, S. ID-

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CN33313057 were stolen from the Mobile Tower, Site No.- 23158, City Power Engineering Diesel Generator Services situated at H.No.-1980A, Gali No.-16, H-Block, Sangam Vihar, Delhi.

4. During the course of investigation, it was revealed from the CCTV footage that accused Satish Kumar, Vishvanath and Anokhe Lal, employees of Bharti Airtel, had visited the aforesaid site on 13.04.2024 and the server was down since then. On interrogation, Satish Kumar and Vishvanath disclosed that they along with Anokhe Lal had stolen the above said parts of the tower and had dealt with one Asif @ Sonu for selling the stolen equipments for a consideration of Rs. 65,000/-.

It is further alleged that on 14.04.2024, Asif @ Sonu had sent his associate Nihaluddin to collect the stolen RRU Power Connector, who received the same against consideration of Rs. 1,00,000/- from Satish Kumar and Vishvanath. Nihaluddin further disclosed that the stolen RRU Power Connector was handed over to Asif @ Sonu.

5. Learned counsel for petitioner submits that accused Satish Kumar, Vishvanath and Anokhe Lal have not been arrested by the investigating agency. Petitioner is stated to have already joined the investigation. He further submits that an amount of Rs. 1,00,000/- was recovered from Nihaluddin and optical fiber was recovered from Satish Kumar and Vishvanath . As such, it is urged that custodial interrogation of petitioner is not required.

6. On the other hand, application is opposed by learned APP for the State and she submits that stolen RRU Power Connector is yet to be recovered, which was handed over to Asif @ Sonu (petitioner). She also points out that aforesaid RRU Power Connector bears S. ID- CN33313057 and cannot be



planted in any manner.

7. Admittedly, the recovery of stolen RRU Power Connector is yet to be made by the investigating agency for which, the custodial interrogation of the petitioner is imperative. Considering the totality of the facts and circumstances, no grounds for anticipatory bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 8, 2024/R