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

+ BAIL APPLN. 4177/2023

MOHD. SADDAM

..... Petitioner

Through:

versus

STATE

..... Respondent

Through:

+ BAIL APPLN. 4184/2023

FURKAN

..... Petitioner

Through:

versus

STATE

..... Respondent

Through:

+ BAIL APPLN. 4187/2023

SADIQ HUSSAIN

..... Petitioner

Through:

versus

STATE

..... Respondent

Through:

+ BAIL APPLN. 4189/2023

SALMAN KHAN

..... Petitioner

Through:

versus

THE STATE

..... Respondent

Through:

Present :

Mr. Farooq Ahmed and Mr. Raj Kumar,
Advocates for petitioners in all items.

Ms. Meenakshi Dahiya, APP for State in all items.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

23.01.2024

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1. Separate bail applications under Section 438 Cr.P.C. have been preferred on behalf of the petitioners for grant of anticipatory bail in FIR No. 0694/2023 under Sections 380/34 IPC registered PS: Dayal Pur, Delhi.



2. In brief, as per the case of the prosecution, complainant alleged that he went for performing Umrah at Mecca Madina in Saudi Arabia during the month of April, 2023 and on return after 22 days, found that goods/garments valued about Rs. 30-40 lakhs were missing from his factory. Suspicion was further cast upon his employees Sadiq Hussain, Saddam and contractor Mohd. Suhail. Complainant alleged that Sadiq Hussain and Saddam used to work in his factory, while Furqan was the 'cutting master', and Salman used to assist in selling the goods.

3. Learned counsel for the petitioners / applicants submits that petitioners were granted interim protection vide order dated 13.12.2023 passed by Hon'ble Mr. Justice Saurabh Banerjee and have since joined the investigation. It is further pointed out that the present FIR was lodged only on 09.11.2023 though the alleged incident is alleged to have taken place during the month of April 2023. It is also contended that petitioners have been falsely implicated and are closely related to the complainant, as Salman and Furqan are the brothers of complainant's wife, Sadiq Hussain is son of another brother of complainant's wife and Saddam is son of complainant's real brother.

4. On the other hand, application is opposed by learned APP for the State and submits that no recovery has been affected despite joining of investigation by the petitioners.

5. Considering the totality of facts and circumstances, it cannot be ignored that there is delay of about 06 months in lodging the FIR. In the event of arrest, petitioners be admitted to bail on furnishing a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like amount to the satisfaction of IO/SHO, PS Concerned



and subject to following conditions:

- i. Petitioners are directed to join the investigation, as and when directed; and
- ii. Petitioners shall provide their mobile number to the Investigating Officer (IO) / SHO concerned and inform I.O., if they leave NCT of Delhi.

Applications are accordingly disposed of.

A copy of this order be kept in connected applications.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 23, 2024/R