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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4292/2023**

HARENDRA NAGAR

.....Petitioner

Through: Mr. Sumit Jain, Ms. Venika Nim, Mr.
Bhanu Tyagi and Mr. Ajay Pratap
Singh, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.07.2024

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1. By way of present bail application, the petitioner/applicant seeks anticipatory bail in FIR No. 0314/2023 registered under Sections 419/382/34 IPC at P.S. I.P. Estate.
2. Learned counsel for the applicant submits that after being granted interim protection, the applicant has joined investigation on multiple occasions. It is stated that charge-sheet stands filed against other accused persons, all of whom have been released on regular bail. It is further contended that there is no material collected by the investigating agency to connect the accused with the alleged crime. As per the prosecution's case, the incident allegedly involved motorcycle riders who were wearing helmets because of which their faces could not be identified. The only material collected during investigation is the CDR location of the present applicant which also fails to connect him with the crime. It is lastly submitted that the



applicant has already handed over his mobile phone to the IO.

3. Bail application is vehemently opposed by the Ld. APP for the State who submits that the applicant is a teacher in a Govt. school. As per the CDR location collected of the applicant's mobile phone, his location was found near the spot when he conducted a recce on 24.09.2023. On the night of 26.09.2023, the applicant's location was found at the school premises and, at which time he had changed the direction of the CCTV camera installed at the school premises. Again on 01.10.2023, the applicant's location was found at the school as well as the scene of crime. IO has also recorded the statement of two security guards of the school who have stated that on 11.10.2023 the applicant had left the school premises at 11:30 am and came back at 6 pm whereas the incident statedly occurred in between at around 4:55 pm. The factum of handing over mobile phone by the applicant is also disputed by the Ld. APP who, on instructions, states that though the applicant came with his mobile phone but took away the same on the pretext that he would submit it on the next day however, he has never deposited the same. Lastly, it is submitted that the applicant is also involved in another FIR No. 203/2022 registered under Sections 365/323/364A/385/506/34 IPC at P.S. Seemapuri.

4. At this stage, learned counsel for the applicant states that the applicant is already on bail in the aforesaid FIR.

5. As per the prosecution story, the incident has taken place on 11.10.2023 when it is alleged that the car driven by the complainant was stopped by two motorcycle riders. It is the case of the applicant that the said two riders were co-accused *Sandeep* and *Ritesh @ Ritik*. On being stopped, the said persons opened the boot of the car, at which point the present



applicant alongwith co-accused *Sagar Bhati*, took away the bag containing money. Indisputably, the complainant has neither identified the assailant nor the motorcyclist. The material relied upon by the investigating agency is the CDR locations and the statements of two security guards as well as another CCTV footage showing that two motorcycles, used in the incident, were taken away from a parking lot, which could be seen in CCTV footage installed at a crossing which is 100 meters away from the spot. Without commenting anything further on the merits of the contentions and considering the totality of the facts and also the fact that the applicant has not misused the concession of interim protection granted to him, it is directed that in the event of arrest applicant be released on anticipatory bail subject to him furnishing a personal bond in the sum of ₹ 25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/ Investigating Officer SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide his mobile number, which he will keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.



(vi) The applicant shall regularly appear before the Trial Court as and when the charge-sheet is filed.

6. The bail application is disposed of in the above terms.

7. Needless to state that nothing stated hereinabove shall be construed as an expression on the merits of the case. The observations made are solely for the purpose of disposal of the subject application.

MANOJ KUMAR OHRI, J

JULY 24, 2024

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