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

+ **BAIL APPLN. 3260/2024**

BHARAT @ GOLU

.....Petitioner

Through: Mr. Gaurav Arya, Mr. Akash
Chauhan, Mr. Sachin Tanwar, Advs.

versus

STATE

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with Inspector Rajender Singh, PS
Civil Lines.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **11.11.2024**

CRL.M.A. 27150/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 3260/2024

1. The present bail application has been moved seeking regular bail through Pairokar in the case FIR No. 70/2023 registered at PS Civil Lines, under Sections 390/397/34 IPC. The charge sheet was filed under sections 390/397/411/120B/34 of IPC. The petitioner is stated to be in custody since 18.04.2023.
2. Learned counsel for the petitioner submits that the petitioner was arrested merely on the basis of the disclosure statement of one Manish. Learned counsel submits that surprisingly, Manish has already got released by the IO. Learned counsel submits that no TIP was conducted in this case and there is no other circumstantial evidence against the present petitioner.
3. Learned APP for the state has opposed the bail application on the



ground that the petitioner is a habitual offender and has been involved in two other criminal cases. Learned APP submits that the present case was registered on the statement of the complainant - Pradeep Kumar, alleging therein that while he was carrying Rs.25,00,000/- along with two employers for depositing the amount towards Union Bank, Model Town, two boys came on a motorcycle and intercepted his bike.

4. Learned APP further submits that the money bag was snatched by the accused persons by showing the pistol to the complainant. Learned APP submits that on the basis of the CCTV footage and manual input, the accused, Manish @ Rahul S/o Charan Singh R/o E-57, B-259, Sunder Nagri Nand Nagar Delhi was arrested, and he disclosed about the involvement of the present petitioner and other accused persons. However, learned APP submits that since conclusive evidence could not come on the record against Manish, he was released from the present case with the remark that further interrogation from him would be conducted after the arrest of the co-accused persons.
5. Learned APP for the State further submits that steps were taken to arrest the present petitioner and co-accused person, and since they were absconding, the process under Section 82 Cr. PC was issued. Learned APP submits that the present petitioner was arrested after declaring him P.O. on 18.04.2023. Learned APP submits that pointing out memo of relevant places pertaining to the alleged crime has been prepared at the instance of the petitioner. It has also been submitted that even the petitioner's presence has been found near the spot of crime in the CCTV Footage.



6. It is settled and trite law that the gravity and seriousness of the offences or charges involved, along with the pendency of other criminal cases against the accused, cannot, in and of themselves, serve as the sole grounds for denial of bail. The Court must undertake a comprehensive assessment of the overall facts and circumstances of each case. Reliance is placed upon **Prabhakar Tiwari vs. State of Uttar Pradesh** (2020) 11 SCC 648; **Dinesh Kumar @ Jony vs State** Bail Appl. 3329/2022. In light of the foregoing, while the offences alleged against the applicant are indeed serious, this alone cannot constitute sufficient grounds for refusal of bail. The present petitioner was arrested only on the basis of a disclosure statement. The CCTV footage submitted by the prosecution merely shows the petitioner's presence at the scene of the crime but does not capture the crime itself, specifically the snatching of the money bag containing Rs. 2,500,000.
7. In the considered view of this Court, once the investigation is complete, the charge sheet is filed, and given the likelihood of protracted trial proceedings, no purpose would be served by keeping the petitioner in custody till the pendency.
8. Thus, taking into account the material available on the record, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 15,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and providing his mobile number(s) and subject to the following further conditions:



- a) the petitioner shall regularly appear before the IO/trial court as and when directed;
 - b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court; and
 - d) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
9. It is made clear that the observations made herein above are only for the purpose of disposing of the present bail application, and the same shall not be deemed to be an expression or opinion on the merits of the case.
10. With the above directions, the application is disposed of.
11. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 11, 2024/Pallavi/HT