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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3279/2024**
SHAHID ALI

.....Petitioner

Through: Mr. R.P.S Bhatti, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Hemant Mehla, Ld. APP for State
with ASI Sachin Singh, Crime
Branch.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.09.2024

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CRL.M.A.27355/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

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3. A First Bail Application under Section 482 BNSS read with Section 528 BNSS has been filed on behalf of the petitioner seeking Anticipatory Bail in case FIR No.80044128/2024 under Sections 379/411/482/401/120-B IPC e-Police Station Ashok Vihar, North West, Delhi.
4. It is submitted that the recovery of the stolen car has allegedly been effected from the co-accused, who had been arrested. The petitioner has been joining investigations pursuant to the Order of the Court dated



25.07.2024. He cannot be compelled by the I.O to make admissions, confessions in respect of the planted recoveries. The endeavour of the police is to put pressure on the petitioner to produce, Tab, vehicle number plates, Instruments etc. which were allegedly used in committing car thefts according to the police. The petitioner is not involved in the commission of the crime and cannot assist the police in any manner. There is nothing to be recovered from his possession. He has three children to look after. He has been ailing during the last two weeks of April, 2024 as is evident from his medical documents. The NBWs have been obtained in regard to the petitioner in violation of Arnesh Kumar vs. State of Bihar MANU/SC/0559/2014. There is no incriminating evidence against the petitioner. Therefore, a prayer is made that the petitioner may be granted Anticipatory Bail.

5. Learned Prosecutor has relied on the Status Report filed before the learned Trial Court, wherein it has been clearly stated that this is not a simplicitor case of car theft, but there is a full gang operating and the accused is using his Tab and other electronic devices to organize thefts of the cars which he along with the other accused persons have been committing. There are more than 10 cases against the petitioner/accused after which most are in respect of the vehicle theft.

6. It is asserted that the custodial interrogation of the accused/petitioner is required to unearth the entire web of committing theft of the cars and to ascertain the modus operandi. The bail is, therefore, opposed.

7. **Submissions heard.**

8. Though, the petitioner has claimed that he is not involved in any manner with this crime as the CCTV has not captured his presence at the



scene of crime, but as has been stated on behalf of the respondent/APP for State, there are 10 earlier cases against the petitioner. In order to ascertain the modus operandi of the petitioner with the co-accused who have been using electronic devices/Tab to organize and commit theft of cars, the custodial interrogation of the petitioner is required.

9. There is no ground for grant of Anticipatory Bail, which is hereby rejected.

NEENA BANSAL KRISHNA, J

SEPTEMBER 10, 2024/va