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

+ **BAIL APPLN. 3288/2024**

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.....Petitioner

Through: Mr. C. M. Grover, and Ms.Kashish
Dhawan, Advocates

versus

THE STATE GOVT. OF N.C.T. OF DELHIRespondent

Through: Mr.Manoj Pant, APP for State

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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07.10.2024

CRL.M.As. 27476-77/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

BAIL APPLN. 3288/2024

1. An application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 0594/2023 under Sections 397/34 IPC & Section 27 of Arms Act registered at PS: Farsh Bazar. Chargesheet has been filed under Sections 397/411/336/34 IPC & Sections 25/27 of Arms Act.
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



statement of Prem Rawat, who alleged that on 27.12.2023, robbery was committed at the shop after pointing out gun by three accused. One of the said accused was wearing a monkey cap while the other was wearing a helmet.

4. Learned counsel for the petitioner submits that co-accused have been admitted to bail by the learned trial court vide orders dated 10.04.2024 and 08.07.2024. He further submits that despite similar evidence against all the accused, benefit of bail has been denied only to the petitioner. He points out that petitioner is in custody since 30.12.2023 and has clean past antecedents.

5. On the other hand, application is opposed by learned APP for the State. He submits that part of stolen jewellery was recovered at the instance of the petitioner and the sample finger prints collected from the spot matched with the finger prints of the petitioner.

6. Admittedly, chargesheet has been filed and evidence against the petitioner is at parity with co-accused. Petitioner has clean past antecedents and disposal of case is likely to take some time. Considering the facts and circumstances of the case, petitioner is admitted to bail on furnishing personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO)/SHO concerned at the time of release.
- (ii) Petitioner shall not indulge in any criminal activity during pendency of trial.



(iii) Petitioner shall not influence the witnesses in any manner.

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

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 7, 2024/v