



\$~5 & 6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3333/2024, CRL.M.A. 27955/2024**

ADITYA KANOJIA

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate with
Mr. Piyush Beriwal, Mr. Ankit Raj,
Mr. Ali Mohammed Khan, Mr. Akash
Chandrayan and Mr. Hitesh Jain, Mr.
Navish Bhati and Ms. Shipra Bali,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
Insp. Jagdeep and ASI Subhash
Chand, P.S. H.N. Din.
Mr. Amit Chadha, Mr. Sanjog Singh,
Mr. Saarthak Sethi and Mr. Harjas
Singh Chhatwal, Advocates for
complainant.

AND

BAIL APPLN. 3334/2024, CRL.M.A. 27958/2024

ANIL SHARMA

.....Petitioner

Through: Mr. Sunil Dalal, Sr. Advocate with
Mr. Piyush Beriwal, Mr. Ankit Raj,
Mr. Ali Mohammed Khan, Mr. Akash
Chandrayan and Mr. Hitesh Jain, Mr.
Navish Bhati and Ms. Shipra Bali,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
Insp. Jagdeep and ASI Subhash
Chand, P.S. H.N. Din.
Mr. Amit Chadha, Mr. Sanjog Singh,



Mr. Saarthak Sethi and Mr. Harjas Singh Chhatwal, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
21.10.2024

%

1. By way of present application, the applicants namely, *Aditya Kanojia and Anil Sharma*, who are Manager and Sr. Branch Manager respectively in Punjab National Bank, Bhogal Branch, New Delhi seek anticipatory bail in FIR No. 211/2024 registered under Sections 314/316/317(2)/61(2)/3(5) of BNS at P.S. Hazrat Nizamuddin, Delhi.
2. Mr. Dalal, Ld. Senior Counsel for the applicants submits that the present FIR has been lodged at the instance of complainant in relation to a bank locker bearing No. KO00332 maintained by him in Punjab National Bank, Bhogal Branch. The complainant has alleged that the other co-accused persons namely *Aashi Ramani* and *Shashi Ramani* illegally opened his aforementioned locker and took away the jewellery articles lying therein. It is submitted that while the complainant was having locker No. KO00332, the other co-accused persons were having a locker bearing No. AC00332 in the same Branch. It is further submitted that co-accused persons approached the present applicants as they were unable to operate their locker and for which purpose, the persons from the company, which manufactured the bank lockers, were summoned. Thereafter, the locker belonging to complainant was broke open and the entire process was videographed and also the articles lying therein were inventorised. Ld. Senior Counsel submits



that there was no dishonest intention on the part of the present applicants which was a *bona fide* mistake on account of numerical similarity in the digits of the two lockers. Lastly, it is submitted that applicants have joined the investigation.

3. Bail applications are vehemently opposed by the Ld. APP for the State as well as learned counsel for the complainant. Ld. APP submits that though the complainant alongwith his wife were maintaining the aforesaid locker, however, the same was operated by two co-accused persons having a distinct alphabet preceding the locker number. Though the applicants claim to have inventorised the entire proceedings, however, the same was without following the proper banking procedure which has resulted in substantive loss of jewellery articles to the complainant. It has also come on record that the gold bar removed from the locker by the co-accused persons was eventually sold for Rs.54 lacs to another co-accused in Modi Nagar. It is also stated that the co-accused *Aashi Ramani* and *Shashi Ramani* have already been released on regular bail by the Trial Court.

4. The applicants claim the incident to be a *bona fide* mistake on their part but the prosecution contends that the locker operation by another person has resulted in losses to the complainant. At the same time, keeping in mind the intention of the applicants in videographing the process and making an inventory of the articles and the fact that the co-accused already stands released on regular bail, it is directed that in the event of arrest, the applicants be released on anticipatory bail subject to their furnishing a personal bond in the sum of ₹ 25,000/- each with one surety of like amount each 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 bonds, the applicant shall provide their mobile phone numbers to the Investigating Officer/concerned SHO, which they undertake to keep operational at all times during the pendency of the trial.
 - (ii) The applicants shall join the investigation as and when they are asked to do so.
 - (iii) The applicants shall inform the concerned Investigating Officer about their current residential address.
 - (iv) In case of change of residential address/contact details, the applicants shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicants 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 applicants shall regularly appear before the Trial Court as and when the charge sheet is filed.
5. Both the applications are disposed of in the above terms alongwith pending applications.

MANOJ KUMAR OHRI, J

OCTOBER 21, 2024

ga