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

+ **BAIL APPLN. 3769/2024**

PRASHANT RAI

.....Petitioner

Through: Mr. Vijendra Kumar, Advocate

versus

STATE (NCT OF DELHI) AND ANR.

....Respondents

Through: Mr. Raghuinder Verma, APP for
State.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.11.2024

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1. The instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as the “BNSS”) [earlier under Section 439 of the Code of Criminal Procedure, 1973] has been filed on behalf of the applicant seeking grant of bail in FIR bearing No.155/2024, registered at Police Station – Paschim Vihar West, Delhi, filed by the complainant for offences punishable under Sections 420/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that the complainant, along with his friends, wanted to invest in a scheme and was allegedly allured to go to a certain park near the Udyog Nagar Metro Station, where he met certain persons, who allegedly took his bag containing Rs. 17,70,000 pursuant to an agreement between them, and left the spot. The complainant was promised that his money will be doubled in a period of six months. Later, they refused to acknowledge the receipt of money. This led to the filing of the said FIR



in this case, and thereafter, the applicant was arrested on 5th May, 2024. Hence, the present application is filed before this Court.

3. Learned counsel for the applicant submitted that the applicant is 27 years old, he is an innocent person and has been falsely implicated in the present case as he has no role to play in the alleged offences.

4. It is submitted that the applicant is languishing in jail since 5th May, 2024, i.e., for a period of more than 6 months. Learned counsel for the applicant further submits that there are total 7 accused, out of which co-accused Rambhaj and co-accused Dashrath have already been granted bail and the remaining 4 accused are still absconding. It is further submitted that the applicant is an innocent person and has nothing incriminating against him.

5. It is further submitted that one criminal case, i.e. FIR No.348/2022 registered at Police Station Dwarka North, Delhi, for the offences punishable under Sections 394/397/411/120-B/34 of the IPC is pending against him and in the said case, he has already been enlarged on bail.

6. It is further submitted that the applicant was not named in the present FIR, however, he was chargesheeted by Crime Branch during investigation of FIR No.348/2022.

7. Learned counsel for the applicant further submitted that a mobile phone was recovered from the possession of the applicant which does not belong to the complainant herein and was arrested on the basis of the location of the said mobile phone. As per the *calendra*, in addition to the said mobile phone, the vehicle used for the commission of the offence was also recovered from his possession by the Crime Branch. Therefore, it is submitted that the basis of his arrest is itself doubtful.



8. Learned counsel for the applicant further submitted that the applicant is from a good family, a resident of Delhi and has deep roots in the society, and therefore, he is not a flight risk. He further undertakes that the applicant shall abide by all the terms and conditions imposed by this Court while granting him bail.

9. In view of the foregoing submissions, it is prayed that the applicant be released on bail.

10. *Per Contra*, Mr. Satish Kumar, learned APP for the State has vehemently opposed the bail application by submitting that the applicant is the main conspirator in the present case, and therefore, he cannot claim bail on parity with the co-accused Rambhaji and Dashrath. He further submitted that the applicant is a habitual offender as he is involved in a similar case in which, he is currently on bail.

11. Learned APP for the State further submitted that the investigation in the present case is complete, chargesheet has been filed and the matter is pending before the trial Court at the stage of framing of charge, therefore, the applicant may influence the trial if bail is granted to him.

12. It is further submitted that in view of the foregoing circumstances, applicant does not deserve any concession of this Court, and therefore, the present bail application being devoid of merits, be dismissed. During the course of hearing, learned APP for the State has handed over a status report in the Court which is taken on record.

13. Heard learned counsel for the parties and perused the record.

14. This Court has perused the material placed on record. The address given by the applicant has been verified by the State and found to be correct. Accordingly, the applicant does not appear to be a flight risk. Moreover, the



applicant will not be required for custodial interrogation given that the investigation is already complete and the chargesheet has been filed. Furthermore, the trial is at the stage of framing of charges and the applicant has been languishing in jail for over 6 months.

15. Keeping in view that the facts that applicant has been languishing in jail for more than 6 months, chargesheet has already been filed and that he is not a flight risk, this Court is inclined to allow the instant application seeking regular bail. Accordingly, it is directed that the instant applicant be released on bail on his furnishing a personal bond for a sum of Rs. 50,000/- (Rupees Fifty Thousand only) with two sureties of like amount to the satisfaction of the Jail Superintendent/ Trial Court subject to the conditions as follows:-

- a) The applicant shall under no circumstances leave India without prior permission of the Court concerned;
- b) The applicant shall appear before the Court as and when required;
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, and/or attempt to tamper with the evidence;
- d) The applicant shall provide his mobile number(s) and keep it operational at all times;
- e) The applicant shall commit no offence whatsoever during the period he is on bail;
- f) in case of change of residential address and/or mobile number, the same shall be intimated to the Court concerned by way of an affidavit; and
- g) The applicant shall report to the jurisdictional Police Station on the



15th day of every calendar month.

16. Accordingly, the instant bail application with pending applications, if any, stands disposed of.

17. Copy of this order be sent to Jail Superintendent for compliance.

18. It is made clear that any observations touching merits of the case are purely for the purpose of deciding the question of grant of bail by this Court and shall not construed as an expression of final observation in the proceedings pending before the learned Trial Court.

CHANDRA DHARI SINGH, J

NOVEMBER 27, 2024

Rt/st

[Click here to check corrigendum, if any](#)