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

+ **BAIL APPLN. 4057/2024**

IMRAN ALI

.....Petitioner

Through: Mr. Raj Kumar, Mr. Aabir Ujer and
Mr. Imran Khan, Advocates (Through
VC).

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for the
State along with Investigating
Officer.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **18.12.2024**

1. The instant application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as "BNSS") [earlier under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as "Code")] has been filed on behalf of the applicant seeking anticipatory bail in FIR bearing No. 0420/2024 registered at Police Station -Seelampur, Delhi for offences punishable under Sections 304(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter as "BNS").

2. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the instant case as he has not committed any offence as alleged in the aforesaid FIR.

3. It is submitted that the applicant has been wrongly named to be involved in the instant case based solely on the discloser statement of the co-accused Mr. Mohd. Kaif.



4. It is submitted that the applicant does not have the possession of the stolen article i.e., mobile phone. Moreover, the documentary evidence in the form of CCTV footage is already available with the investigating agency and hence, custodial interrogation of the applicant is not required.
5. It is submitted that the applicant has no history of previous involvement in any criminal cases, hence, has clean antecedents. It is further submitted that the co-accused Mr. Mohd. Kaif was enlarged on regular bail and hence, some concession towards the applicant may be given by granting anticipatory bail.
6. Learned counsel for the applicant undertakes that the applicant shall abide by any condition imposed by this Court while granting anticipatory bail.
7. *Per contra*, learned APP for the State has vehemently opposed the instant application and submitted that the applicant is not entitled for the concession of anticipatory bail from this Court.
8. It is submitted that the applicant is required for custodial interrogation in the instant case as the stolen mobile phone was not yet recovered.
9. It is submitted that after perusing the CCTV footage, it is clearly seen that the applicant along with the co-accused Mr. Mohd. Kaif were snatching the mobile phone from the complainant.
10. However, learned APP for the State admitted that the co-accused Mr. Mohd. Kaif was enlarged on regular bail.
11. In view of the foregoing submissions, it is prayed that the instant application, being devoid of any merit, is liable to be dismissed.
12. Heard learned counsel for the parties and perused the record.



13. Upon perusal of the contents of the instant application and the Status Report on record, it is observed that the stole article i.e., mobile phone was not recovered by the investigating agency. However, it is an admitted fact that the CCTV footage documenting the commission of offence is in possession of the investigating agency. Moreover, the main accused in the instant case i.e., Mr. Mohd. Kaif was also granted regular bail. Hence, the custodial interrogation of the applicant in the case is not necessary.

14. Keeping in view of the aforementioned discussion and the arguments advanced by the learned counsel for the parties, this Court is inclined to grant anticipatory bail to the applicant. It is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of **Rs. 50,000/-** (Rupees Fifty Thousand only) with two solvent sureties of like amount to the satisfaction of the Court concerned/Investigating Officer subject to the conditions as follows:-

- a) The applicant shall surrender his passport, if any, to the Court concerned and shall under no circumstances leave India without prior permission of the Court concerned;
- b) The applicant shall cooperate in the investigation and appear before the Investigating Officer of the case 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) to the Investigating Officer and keep it operational at all times;



and

- e) 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.

15. With the aforesaid directions, the instant bail application is allowed and stand disposed of.

16. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of protection to the applicant, which shall not be construed as an expression of observations on the merits of the case.

CHANDRA DHARI SINGH, J

DECEMBER 18, 2024

Rk/mk

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