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

+ **BAIL APPLN. 4432/2024**

INDER NAI@INDER THAKURPetitioner

Through: **Mr. Rohit Lakra,**
Advocate.

versus

THE STATE (NCT OF DELHI)Respondent

Through: **Mr. Naresh Kumar**
Chahar, APP for the State
with SI Madan Prasad, PS
Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **23.12.2024**

1. The present application is filed seeking regular bail in FIR No. 196/2024 dated 07.04.2024, registered at Police Station Jahangir Puri, for offences under Sections 365/392/34 of the Indian Penal Code, 1860 ('IPC').
2. The present FIR was registered on an allegation that the accused persons chased the complainant when he was driving a truck, assaulted him and robbed the copper wire he was transporting. It is also alleged that the complainant was abducted and he was left stranded in a deserted location.
3. During the course of investigation, CCTV footages were obtained and the accused persons were apprehended. The allegation against the applicant is that he used work in that copper factory from where the copper was being transported by the complainant and he acted as an informer.



4. It is alleged that the applicant had given information to the accused persons about the movement of the copper wire from the factory.

5. The learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that even if the case of the prosecution is taken at the highest, merely informing the other co-accused persons of the movement of the copper wire cannot be treated as an offence. He submits that admittedly the applicant was not present at the time of the incident.

6. Concededly, the applicant had no role as far as the abduction of the complainant is concerned.

7. The learned Additional Public Prosecutor for the State submits that the applicant is being prosecuted for having conspired with the other accused persons. His role cannot be said to be different from the other accused persons and all the accused persons are to be held responsible for the offence.

8. He submits that the purpose of providing information to the other accused persons was to facilitate the robbery. He submits that two reels of copper wire and ₹50,000/- cash was found on the disclosure statement of the applicant.

9. The applicant is in custody since 16.04.2024. The allegation against the applicant, at this stage, is that he provided the information in order to facilitate robbery of copper wire and the same is on the basis of the disclosure statement of the other accused persons. The same would be tested during the course of trial.

10. Certain recoveries have been allegedly made at the instance of the applicant. However, it is contended by the learned counsel for the applicant that the seizure has not been affected in



terms of the Code of Criminal Procedure, 1973 as the same was not witnessed by any independent witness.

11. Chargesheet has already been filed and the investigation is complete. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

12. In view of the above, without commenting further on the merits of the case, I am of the opinion that the applicant has made out a *prima facie* case for bail.

13. Considering the aforesaid, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the



concerned IO/ SHO

- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

14. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

DECEMBER 23, 2024

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