



\$~6

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

+ **BAIL APPLN. 45/2025**

CHHOTE LAL DAS

....Petitioner

Through: Mr. Shubham Prajapati, Adv.
versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the
State.
SI Ramjee Singh, D-1733, PS Adarsh
Nagar.
Insp. Vish Ram Muna, D-I/469., PS
Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.05.2025

%

1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the BNSS seeks regular bail in case FIR No. 473/2024, under Sections 123/309(4)/140(3)/ 317(2)/3(5) of the BNS, registered at PS Adarsh Nagar.
3. The case of the prosecution is that a zero FIR No. 001/2024 dated 22.07.2024 under Section 140(3) of the BNS was received at PS Adarsh Nagar from Police Station Kanda, Distt. Bageshwar, Uttarakhand. The said FIR was registered on a complaint that a boy namely Bablu Kumar, aged 27 years, who was travelling from Bengaluru to Bageshwar on 13.07.2024 and had arrived in Delhi on 15.07.2024. As per the CDR details obtained by the Uttarakhand Police, his last location was near Azadpur Bus Terminal, Delhi at about 11:52 hrs on 15.07.2024. It was stated therein, that thereafter the said person lost



contact with his family members and his phone was switched off. After the registration of the case, the investigation was initiated and the mobile phone of the aforesaid Bablu was kept on surveillance. During surveillance, it was found that the mobile No. 8076706075 was found running on the mobile phone of the victim and accordingly, CAF of the said mobile number was obtained from the concerned authorities which was found to be belonging to a boy namely, Mohd. Shams Quamar. On interrogation Mohd. Shams Quamar stated that he had left his mobile phone inside an auto. On further investigating, the CDR of this number was analyzed and one caretaker of an auto bearing no. DL-1RAA-3093 was traced. One Karan was examined who stated that his auto rickshaw was being driven by Abdul Manan @ Akhilesh on rent and he has not been coming since the last two days and neither he is talking to him.

4. During further investigation, suspect Abdul Manan @ Akhilesh was apprehended with the aforesaid auto and during the search, a techno spark mobile phone was recovered from the inside driver seat of the said auto which was then, discovered to be aforesaid Bablu's mobile. It is further alleged that two bags were also recovered from the said auto. After the arrest of the aforesaid Abdul Manan @ Akhilesh, his disclosure statement was recorded in which the name of the present applicant and another co-accused namely, Sidhu, surfaced. It is the case of the prosecution that the aforesaid Abdul Manan @ Akhilesh had disclosed that on 15.07.2024, he along with the other co-accused persons including the present applicant arrived at the bus stop in front of Azadpur Metro Station and after sometime, Sidhu came there with the aforesaid victim, Bablu, who sat on the back seat of the auto rickshaw with him along with the present applicant. It is the case of the prosecution that the



co-accused Sidhu gave cold-drink to victim Bablu who got intoxicated and during the journey, they all snatched all his belongings of the said victim and dropped him near Jakhira Bus Stop from where they went towards their own destinations.

5. The present applicant was arrested on 07.08.2024. After completion of the investigation, the charge-sheet was filed and the matter is presently at the stage of framing of charge.

6. Learned counsel appearing on behalf of the applicant submits that he has been falsely implicated in the present FIR and the evidence *qua* the present applicant is in nature of disclosure statements and no recovery has been affected from him either. It is further submitted that the applicant is a HIV patient and was granted interim bail and without misusing the liberty granted to him, he had duly surrendered.

7. Learned APP appearing on behalf of the State, on instructions of the Investigating Officer, submits that the CCTV footage of the area had captured the present applicant along with other co-accused persons namely, Abdul Manan @ Akhilesh and Sidhu along with the victim on the said date. It is further submitted that CCTV footage reflected that the accused persons had left the victim when he was in an intoxicated state, and thereafter, the said victim has not been traceable.

8. Heard the learned counsel for the parties and perused the records.

9. The case of the prosecution is that the present applicant along with the co-accused persons namely, Abdul and Sidhu, had taken Bablu from Azadpur Bus Stop and thereafter, snatched all the belongings of the said victim after intoxicating him. The aforesaid allegations are on the basis of the disclosure statement of the co-accused. There has been no recovery affected from the



applicant. The CCTV footage placed on record along with the prosecution case shows the presence of the applicant along with the other co-accused and is a matter of trial.

10. As per the nominal roll dated 06.02.2025, the applicant has been in judicial custody since 10.08.2024. The matter is at the stage of consideration on point of charge. It is also noted that the applicant was granted interim bail by the learned Trial Court on the ground that he was HIV positive and needed treatment. The said liberty was not misused by the applicant and he had duly surrendered on time.

11. In totality of the facts and circumstances, the present application is allowed and the applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 10,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
12. The application is allowed and disposed of accordingly.



13. Pending applications, if any, also stand disposed of.
14. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made herein are only for the purpose of the present bail application.
15. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
16. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MAY 20, 2025/kr/ns

Click here to check corrigendum, if any