



\$~44

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

+ **BAIL APPLN. 322/2025**

MR. PAWAN KUMAR YADAV (IN JC) Petitioner

Through: Mr. M. Hasibuddin, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with HC Sunil Kumar, with SI
Deepak Kumar, PS Jahangirpuri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **27.01.2025**

CRL.M.A. 2360/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

BAIL APPLN. 322/2025

3. The Bail Application under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (hereinafter referred to as '*B.N.S.S.*') (earlier under Section 439 of the *Code of Criminal Procedure, 1973*) has been filed on behalf of the Petitioner, Pawan Kumar Yadav, for grant of Regular Bail in Case FIR No. 126/19 under Section 380 of the *Indian Penal Code, 1860*, registered at Police Station Jahangirpuri.
4. Briefly stated, the Applicant had applied for Regular Bail before the learned ASJ, which has been dismissed *vide* Order dated 23.01.2025. The FIR was registered against the Applicant on 24.02.2019, on the averments that he was a tenant at the address of the Complainant i.e. G-188,



Jahangirpuri, New Delhi-110033, when he vacated the Suit premises in the month of February, 2019. The Complainant after 24 days got the FIR registered on a Complaint that the Applicant had stolen Rs.70,000/- cash from his room. Since then, the accused was admitted to Anticipatory Bail by this Court *vide* Order dated 10.05.2019, on the condition of depositing an FDR in the sum of Rs.70,000/-. However, the Applicant was unable to deposit the FDR amount because of his poverty and he was also unable to join the investigations. Proceedings under Section 82 of Cr.P.C., was initiated against him and he surrendered before the Police on 02.12.2024.

5. It is submitted that he is in judicial custody since then. The Regular Bail is, therefore, requested to be granted to the Applicant.

6. Ms. Meenakshi Dahiya, learned APP for the State, on instructions from the Investigating Officer, submits that the Charge-Sheet is likely to be filed within one day. Considering the allegations made, the Regular Bail is opposed.

7. **Submissions heard and the Record perused.**

8. The allegations are of alleged theft of Rs.70,000/-, from the house of the Complainant. Considering the nature of allegations and that the Applicant is in judicial custody since December, 2024, the Petitioner is admitted to Regular Bail, on the following conditions:-

- a) The Petitioner/Accused shall furnish a bail bond in the sum of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing.
- c) The Petitioner/Accused shall provide mobile number to the



IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.

d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

e) In case of change of the residential address, the same shall be intimated in the Police Station, by the Petitioner.

9. A copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court, for compliance.

10. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 27, 2025/RS