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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 325/2025**

RAMESH MALIK @ CHUGLU Applicant

Through: Mr. Banerjee, Adv.
(through VC)

versus

THE STATE GOVT OF NCT
DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Narender Singh, PS-
CR Park

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
21.05.2025

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1. The present application is filed seeking regular bail in FIR No. 243/2024 dated 15.10.2024 for offences under Sections 306/3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at Police Station Chitranjan Park.
2. The FIR was registered pursuant to a complaint alleging theft of 5-6 gold sets, 10-12 bangles (diamond & solitaires), 18-20 gold bangles, 8 gold coins, 5 gold chains and 20,000 CAD/USD and huge cash of ₹1,20,00,000/- from the house of the complainant namely– Sunita Malik. It was alleged that one person namely– Shakti who was employed as house-help few days back by the complainant, was found to be missing on the day of the incident.
3. The prosecution claims that during the investigation and



surveillance, they were informed by a secret informer that the theft was committed by the applicant and other accused persons.

4. The applicant was, thereafter, apprehended on 26.10.2024 from his native place in Orissa, where the recovery of ₹8,500/- was made from the applicant.

5. The Police claims that CCTV footage showed four persons out of which three people were seen carrying bags in a suspicious manner in the area where the house of the complainant is located. The four persons were identified as (i) Sanjay Malik @ Shakti(ii) Jagbandhu (iii) Kashinath and (iv) Ashutosh.

6. One of the accused, namely, Sanjay Malik @ Shakti who was employed as a house-help by the complainant was apprehended on 31.01.2025, who on disclosure stated that the applicant had planned the manner in which the theft was to be committed. It is claimed that the entire theft amount and articles were distributed among the accused persons and the applicant was to get ₹50,000/-.

7. The evidence, at this stage, against the applicant seems to be the disclosure statement of the co-accused, the veracity of which would be tested during the course of trial.

8. The applicant is in custody since 26.10.2024 and has already spent more than 200 days in judicial custody. At this stage, the investigation is complete and the chargesheet has already been filed, there is no chance of the accused absconding or fleeing, if released on bail. Moreover, the same can also be taken care of by putting appropriate conditions.

9. The Hon'ble Apex Court, in the case of **Sanjay Chandra v. CBI : (2012) 1 SCC 40**, held that pre-trial deprivation of liberty is in the form of a punishment unless the same is required



necessarily to ensure that an accused will appear before the Court as and when required. The Hon'ble Court saw no reason to detain the accused after completion of investigation and filing of chargesheet in the matter.

10. 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. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time.

11. No apprehension has been raised about the witnesses being influenced or the evidence being tampered by the applicant. The presence of the accused can be secured at the time of trial by putting appropriate conditions.

12. Without commenting further on the merits of the case, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for grant of regular bail.

13. The applicant is, therefore, admitted on bail and is directed to be released (if not required in any other case) on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, 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 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 phone 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 any observations made in the present order are for the purpose of deciding the present bail application and should 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

MAY 21, 2025

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