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

+ **BAIL APPLN. 1090/2025**

SALIM @ SALEEM

.....Petitioner

Through: Mr. Vivek Gupta, Mr. Praveen
Mishra, Mr. Harshit Gupta, Mr. Arun
Kumar, Mr. Rahul Kumar and Mr.
Sanat Pandey, Advocates.

versus

STATE OF GOVT. NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

21.03.2025

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CRL.M.A. 8223/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of instant application, the applicant is seeking grant of anticipatory bail arising out of FIR bearing No. 601/2024, registered at Police Station, Krishna Nagar, Delhi, for the offences punishable under Sections 310(2), 311, 351(3), 61(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 25 & 27 of Arms Act, 1959.
4. Briefly stated, facts of the present case as per the complainant are that on 20.11.2024 at 07:45 pm, when the complainant was leaving his office post work, and was carried a green cloth bag which contained the day's sales



cash of Rs.7,18,000/-, and had reached his car, a boy had approached from behind, placed a pistol-like object upon him, and had demanded the bag, failing which he had threatened to shoot the complainant. Thereafter, another boy had surrounded the complainant from the left side. The complainant's driver Yogendra, and clerk, Ashok Goyal, had arrived at the scene, and when they had attempted to stop the robbers, they had also been threatened. The bag containing Rs.7,18,000/-, complainant's Aadhaar card, PAN card, and visiting cards had been snatched by the accused persons and they had then fled from the spot towards Shyam Lal College, Delhi. The complainant's driver and clerk had pursued them, but the robbers had managed to escape. Based on the complainant's statement, the present FIR was registered.

5. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

6. The learned counsel appearing on behalf of the applicant argues that the applicant Salim has falsely been implicated in the present case. It is stated that there are no allegations levelled against the present applicant/accused in the FIR. It is argued that the present applicant has been implicated only on the basis of the disclosure statement of one co-accused namely Babli@Bhati@Nadeem. It is contended that the prosecution has produced CCTV recording of the alleged incident in which one person can be seen, but only his back is visible and the face is not visible. Therefore, it is prayed that the applicant be granted anticipatory bail.

7. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature, and his custodial interrogation is required to unearth the truth. It is argued that the applicant



can be seen in the CCTV footage. It is also submitted that the applicant's role has been disclosed by the co-accused, who not only implicated him but also detailed his active involvement in the commission of offence and his nexus with the co-accused persons. It is further argued that it was the applicant's residence which served as the place where all the planning and preparation took place. Furthermore, it is argued that the applicant had arrived at the location half an hour prior to the incident to guide and coordinate the plan with the co-accused persons. Therefore, it is prayed that the present bail application be dismissed.

8. This Court has heard arguments addressed on behalf of both the parties, and has gone through the material placed on record.

9. Having gone through the case file, this Court notes that *prima facie* role of the applicant in the present case is made out, as he had, allegedly, facilitated the commission of the said offence. The CCTV footage, though partially capturing the accused, corroborates the prosecution's version that the applicant was present at the scene of the crime. Furthermore, the disclosure statement of the main accused specifically attributes a role to the applicant, detailing his active participation in the planning and execution of the robbery. Thus, *prima facie*, it appears that the applicant was not merely present at the scene but did serve as a catalyst behind the alleged offence, which is also evident from the prosecution's assertion that the applicant's residence was used as the meeting point for all the accused persons to plan the robbery.

10. At this stage, when the investigation is at initial stage, the veracity of the statements and evidence cannot be tested for the purpose of deciding anticipatory bail.



11. In light of the seriousness of the allegations, and considering the overall facts and circumstances of the case, this Court finds no ground to grant anticipatory bail to the present applicant.
12. Accordingly, the bail application is dismissed.
13. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
14. The order be uploaded on the website forthwith.

MARCH 21, 2025/vc **DR. SWARANA KANTA SHARMA, J**

Click here to check corrigendum, if any