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

+ **BAIL APPLN. 1365/2025 & CRL.M.A. 10602/2025**

ISCHTAKAR HUSSAIN

.....Petitioner

Through: Mr. Prashant Vashisht, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with SI Himanshu

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **17.04.2025**

CRL.M.A. 10601/2025 (exemption)

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

BAIL APPLN. 1365/2025

3. By way of instant application, the applicant seeks grant of anticipatory bail in case arising out of e-FIR No. 80017535/2025 dated 15.03.2025, registered at Police Station Govindpuri, Delhi for the offence punishable under Sections 303(2)/61(2)/317(2)(3)(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNS').
4. Briefly stated, the facts of the present case are that on 15.02.2025, the complainant, Sunder Lal, had returned from duty at around 8:00 AM and, upon checking the godown of Indigo Infraproject Pvt. Ltd., which is situated



on a vacant plot in Village Rawta, the complainant had discovered that 535 iron rods, 36 barracks, and 6 round pipes had been missing. Based on the aforesaid statement, an Online e-FIR reporting the said incident was registered. During the course of investigation, the CCTV footage from cameras installed near the scene of the incident was analysed, which had captured 5–6 boys stealing materials from the empty plot. Thereafter, CCTV footage from surrounding routes had revealed a suspicious Tata 407 LPT vehicle, bearing registration number DL 1LY 3947, seen passing through the Jhatikara Border MCD Toll. After identifying the vehicle's ownership, a notice under Section 133 of the Motor Vehicles Act had been issued to the registered owner of the vehicle, Kunwar Pal Singh. Subsequently, he along with Kalu, the driver of the said vehicle, were arrested. During interrogation, they revealed that Ishtakar Kabadi i.e. present applicant had been actively involved in the sale of stolen goods and subsequently, 14 stolen iron rods and 3 barracks had been recovered from the godown of Ishtakar Kabadi in Kapashera. It is alleged that he had not only facilitated the transportation of stolen items by arranging vehicles but had also orchestrated the thefts by engaging individuals to commit the offences.

5. The learned counsel appearing on behalf of the petitioner argues that the present accused/applicant has been falsely implicated in the present case and submits that the name of the present accused has not been mentioned in the FIR. He draws this Court's attention to the fact that the two accused persons Kalu and Kunwar Pal Singh, have already been granted bail by the learned Trial Court. He further submits that the accused/applicant is ready to join the investigation as and when directed to do so, and there is also no civil or criminal case pending against the applicant or his family members. It is



therefore prayed that he be granted anticipatory bail.

6. On the other hand, the learned APP for the State opposes the present bail application and submits that a part of the stolen property, i.e., 14 iron rods and 3 barracks, have been recovered from the godown of the accused/applicant. It is further submitted that the remaining stolen goods are yet to be recovered, and both the applicant and the co-accused persons are yet to be arrested. The learned APP argues that custodial interrogation of the applicant is necessary for further investigation of the said theft. Accordingly, he prays that the present anticipatory bail application be dismissed.

7. This Court has heard arguments addressed on behalf of both parties and has perused the material available on record.

8. In a nutshell, the allegations against the present accused/ applicant are that he had orchestrated the theft that took place at the godown of Indigo Infraproject Pvt. Ltd., in village Rawta, and that he is also in the business of selling stolen goods.

9. As per the Status Report placed on record, it appears that a part of the stolen goods i.e. 14 iron rods and 3 barracks was recovered from the godown of the present applicant/accused, located in Kapashera, Delhi. This Court notes that the driver of the vehicle bearing registration number 'DL 1LY 3947', which was captured in the CCTV footage near the spot of the alleged offence in question, along with the registered owner of the said vehicle, accused Kalu and Kunwar Pal Singh had both made a disclosure statement that the present accused is involved in the commission of the alleged offence. Pursuant to the disclosure statement, upon further investigation, recovery of the stolen articles was made from the godown of the present accused/applicant.



10. The investigation had also revealed that the present accused/applicant was not only engaged in selling stolen goods but is also actively involved in facilitating such thefts. Moreover, the investigation conducted so far has revealed that he also hires vehicles to facilitate the transfer of the stolen goods/property.

11. The investigation of the present case is at an initial stage. In this background, this Court is of the opinion that, given the facts and circumstances of the case, custodial interrogation of the applicant is required for further investigation to unearth the entire conspiracy, recovery of stolen goods, etc. Therefore, the present application for grant of anticipatory bail of the accused/applicant is dismissed.

12. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 17, 2025/ns

Click here to check corrigendum, if any