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

\+ BAIL APPLN. 1796/2025

SUSHIL SOLANKI ALIAS PINTU .....Applicant

Through: Mr. Anuuj Aggarwall, Advocate.

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Ritesh Kumar Bahri, APP for the State with Ms. Divya Yadav and Mr. Lalit Luthra, Advocates.
SI Parveen Kumar, PS Moti Nagar.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

O R D E R

% 09.05.2025

CRL.M.A. 14529/2025 *(Exemption)*

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

BAIL APPLN. 1796/2025

3. The present bail application is filed seeking pre-arrest bail in FIR No. 493/2024 dated 03.09.2024, registered at Police Station Moti Nagar for offences under Sections 304(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (**'BNS'**).

4. The FIR was registered pursuant to a complaint given by one Archana thereby alleging that two unknown accused persons snatched her gold *mangalsutra* while she was waiting for her child's transportation van. During the course of the investigation, two accused persons namely Tarun and Vipin were arrested. It is the case of the prosecution that accused Tarun while being interrogated in another FIR had confessed to have committed the chain snatching along with accused Vipin.

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5. Subsequently, it is alleged that accused Vipin was also found lodged in Jail in connection with another FIR. It is alleged that the accused persons thereafter disclosed that the snatched *mangalsutra* had been sold to the present applicant.

6. The applicant filed an application seeking pre-arrest bail before the learned Trial Court. Interim protection was initially granted to the applicant subject to the applicant joining the investigation. The application, however, was thereafter dismissed noting that the case property still remained to be recovered.

7. Concededly, even as per the case of the prosecution, the applicant is not the one who has committed the offence of chain snatching. The allegation against the applicant is that he had purchased the robbed article from the accused persons. The allegation against the applicant at this stage is based on the disclosure statement of the accused persons who were in custody of the police at the time of disclosure.

8. No apprehension has been expressed that the applicant will evade the trial. The applicant had also joined the investigation pursuant to the interim protection granted by the learned Trial Court. The punishment of purchasing the stolen article is upto a maximum of three years.

9. The purpose of custodial interrogation is to aid the investigation and is not punitive. In the opinion of this Court, the custodial interrogation of the applicant is not required. It is consequently directed that in the event of arrest, the applicant be released on bail on furnishing a personal bond of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

a. The applicant shall not contact the complainant/witnesses or tamper with the evidence in any

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manner;

b. The applicant shall join and cooperate with the investigation as and when directed by the IO;

c. The applicant will not leave the boundaries of the country without permission of the learned Trial Court;

d. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

e. The applicant shall provide his residential address to the concerned IO/SHO and shall not change the same without informing the concerned IO/SHO.

10. In the event of there being any FIR/DD entry/ complaint lodged against the present applicant, it would be open for the State to seek redressal by way of cancellation of bail.

11. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

12. The present bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 9, 2025
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