



2025:DHC:7992



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

*Reserved on: 02.09.2025
Date of Decision: 12.09.2025*

+ **BAIL APPLN. 2538/2025 & CRL.M.A. 19812/2025**

JAETEE @ JAITEE

.....Petitioner

Through: Mr. V. Madhukar, Mr. Rakesh Sharma, Mrs. Knishka Bhatt, Mr. Neeraj Kumar, Mrs. Cheena Chaudhary, Ms. Sakshi, Mr. Bharat Sharma and Mr. Vikrant, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for State with Mr. Aditya Vikram Singh, Adv.
Mr. Bhupender Singh, Adv. for complainant (through VC)

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

J U D G M E N T

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1. The instant bail application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, has been filed on behalf of the petitioner/applicant/accused, seeking regular bail in the case arising out of FIR No. 118/2025.

Factual matrix

2. The brief facts that led to the filing of the instant bail application are that on 08.02.2025, FIR No. 118/2025 was registered

¹ Hereinafter "BNSS"



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at Police Station - Sadar Bazar, Delhi under Sections 305(A), 331(4), 317(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023². The FIR was lodged on the basis of a PCR call made by the complainant. He stated that on the morning of 08.02.2025, his employee noticed that the shutter of the shop was tampered with, and upon inspection, it was found that a sum of ₹10,00,000/- kept in the drawer of the counter had been stolen. A crime team visited the spot, collected fingerprints, and seized an iron rod from the location.

3. During investigation, one person, namely Joraver (E-rickshaw driver), was arrested on 11.02.2025. On the basis of his disclosure statement, the present applicant, Jaatee @ Jaitee, was arrested on 15.02.2025.

4. Certain other co-accused, namely Tarn (female, aged 65 years), Indra (female, aged 65 years), Pinki (female, aged 31 years), and Chanda (female, aged 34 years), were also arrested in connection with the case. One co-accused, Ms. Mosami, has been shown as absconding, with NBW proceedings initiated against her.

5. The chargesheet was filed on 09.05.2025 before the learned Trial Court. The accused persons, including the applicant, were charge-sheeted under the aforesaid provisions. The sequence depicts them travelling via Qutub Road, Nabi Karim under-bridge, Paharganj, and thereafter being seen at Delhi Cantt Railway Station. Further footage shows the applicant and others boarding a train from there. It was recorded that ₹2,500/- was recovered from the possession of the applicant, which the prosecution alleged formed part of the stolen amount. Some portion of stolen money is alleged to be recovered from



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the co-accused persons. However, the larger part of the alleged stolen money, amounting to ₹6,37,500/-, remains unrecovered

6. The applicant's first regular bail application was dismissed vide order dated 13.06.2025 by the learned ASJ. It was observed that the offences were of a serious nature, that the presence of the applicant along with co-accused Chanda was reflected in photographs, and that her conduct was doubtful in light of her presence with other accused persons in the early hours. It was also noted that the recovery of the stolen amount was still pending, and further investigation regarding other accused was continuing. On these grounds, bail was denied. Thus, the applicant has preferred the present bail application.

Submissions on behalf of the petitioner

7. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a 32-year-old poor ragpicker and balloon seller, with four children, has clean past antecedents, and has been in custody since 15.02.2025.

8. The petitioner assails the FIR narrative as inherently doubtful. As per the FIR, the complainant closed the shop at about 08:00 PM on 07.02.2025, handed the key to his employee Sanjay to open early next morning, and at about 10:30 AM on 08.02.202, he learnt from Sanjay that the shutter of the shop had been tampered with. He claims ₹10,00,000/- kept in the drawer of the counter was stolen. The petitioner argues that such a large cash sum being allegedly left in a shop overnight is not something which can be believed and has not been substantiated.

9. On recovery, it is submitted that only ₹2,500/- was allegedly recovered from the petitioner. It is argued that there is no distinguishing mark or linkage shown to connect this amount to the



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alleged stolen cash. The record itself notes that the larger portion of the alleged stolen money remains unrecovered. In these circumstances, mere recovery of ₹2,500/- from a poor woman cannot, by itself, be treated as incriminating.

10. On CCTV and photographs, the petitioner submits that the prosecution has confused distinct materials. The petitioner asserts that the print-out of the photographs furnished depicts the date as 02.01.2025 and not 08.02.2025 and does not show the complainant's shop or its vicinity, rather the same is of Nabi Karim area, which fact was submitted by the prosecution before the learned ASJ as well. It is further stressed that the CCTV footage relied upon by the prosecution, allegedly showing the alleged travel by the group near the Sadar Bazar area is also unreliable as the petitioner's face is not visible therein.

11. The petitioner submits that the winter-time presence of several women outdoors at dawn is not incriminating. In winter season in Delhi, it is common for persons, especially the poor, to gather and huddle around a small bonfire for warmth.

12. The printouts supplied with the charge-sheet themselves depict a group sitting together, with no clear view of faces. The petitioner points out that the image (of Nabi Karim) relied upon is not from the complainant's premises at Sadar Bazar and is unrelated to this FIR incident of 08.02.2025. The learned ASJ's order dated 13.06.2025 itself records the submission of the prosecution that in the photographs, the shop shown does not belong to the victim, and that the photographs are pressed only to suggest the *modus operandi*.

13. The petitioner further submits that her arrest is founded upon the disclosure of a co-accused (the E-rickshaw driver, Joraver, arrested on 11.02.2025). It is argued that the confessional part of a disclosure



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under Section 27 of the Indian Evidence Act, 1872 is inadmissible, especially against a co-accused, and cannot be used to deny bail when there is otherwise no legally admissible material directly connecting her to the theft.

14. The petitioner also points to the alleged investigative lapses thereby arguing that the key employee Sanjay, who allegedly first saw the shop in the morning and phoned the complainant, has not been cited as a prosecution witness in the chargesheet. It is also urged that the investigation is complete, and the charge-sheet was filed on 09.05.2025; therefore, her further custody is not necessary. Thus, it is prayed that the petitioner may be released on bail.

Submissions on behalf of the State

15. *Per Contra*, learned APP appearing on behalf of the State opposes the bail having regard to the nature and gravity of the offences alleged against the petitioner under Sections 305(a), 331(4), 317(2) and 3(5) of the BNS and the manner of commission.

16. He submits that the investigation reveals a specific *modus operandi*, whereby the group of accused persons would stand before a shop, open their shawls and form a cover, break the lock, and lift the shutter for one person to enter. This is stated to have occurred in the early hours around 04:00 AM – 05:00 AM on 08.02.2025 when it was still dark and cold.

17. The State submits that the photographs (of Nabi Karim) relied upon are to demonstrate *modus operandi* rather than to claim that they depict the complainant's shop. In the present case, CCTV footage shows the group near the Sadar Bazar shop, then proceeding together in an e-rickshaw via Qutub Road, Nabi Karim under-bridge and Paharganj, and later appearing at Delhi Cantt. Railway Station where



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the accused can be seen boarding the train. It is further submitted that the petitioner can be seen with co-accused Chanda in these recordings.

18. The prosecution submits that the applicant was arrested with co-accused Chanda, whose fingerprints matched those at the scene, and that recovery was made from the applicant's house.

19. Although only ₹2,500/- is shown as recovered from the petitioner, that by itself does not absolve her. It is emphasized that a substantial portion of the stolen amount remains to be recovered. Out of ₹10 lakhs, ₹6.37 lakhs is yet to be traced.

20. It is submitted that the seriousness of the housebreaking/theft and the organized *modus operandi* warrants denial of bail at this stage. One suspect, Mosami, remains absconding with NBW proceedings initiated. Given that a suspect is yet to be apprehended and recovery is pending, the prosecution contends that releasing the petitioner now may hamper further investigation and recovery. Thus, it is prayed that the instant bail application may be dismissed.

Analysis

21. Heard the learned counsel appearing on behalf of the parties.

22. This Court has considered the rival submissions, the FIR, the charge-sheet dated 09.05.2025, the order dated 13.06.2025 passed by the learned ASJ dismissing the earlier bail application, and the stage of the proceedings.

23. In terms of the settled position of law, at the bail stage, the Court does not conduct a mini trial, rather it assesses the nature and gravity of the accusations, the *prima facie* material, the stage of trial, the possibility of tampering with evidence or abscondence, and the likelihood of the accused repeating the offence.



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24. The allegations here concern housebreaking/theft by a group acting in concert in the dark early hours, targeting a market shop, which, if true, have a serious impact on public order and commercial confidence in a busy trading area. The applicant has been in custody since 15.02.2025; however, the trial is at a nascent stage and key facets of the case, particularly recovery and the apprehension of one named suspect, remain incomplete.

25. After the alleged theft, the investigation records that the accused persons, including the present applicant, travelled together in an e-rickshaw from the Sadar Bazar area through Qutub Road, Nabi Karim under bridge and Paharganj. CCTV footage further shows them later at Delhi Cantt. Railway Station, where the group is seen boarding the Chetak Express bound for Rajasthan. It is specifically alleged that the applicant Jaetee @ Jaeti, along with co-accused Pinki and Chanda, undertook this journey immediately after the incident, while Joraver, the e-rickshaw driver, proceeded separately to Ajmer, Rajasthan.

26. Subsequently, after obtaining outstation permission, the investigating team reached Vijay Nagar and Suradiya, Ajmer–Beawar, Rajasthan in search of the accused. With the assistance of local police and acting on a secret informer's tip, a raid was conducted at Hotel Raj Palace.

27. During this raid, three co-accused women, Jaetee @ Jaeti, Pinki, and Chanda were arrested together. All three admitted their roles during interrogation, and small sums of money allegedly forming part of the stolen cash were recovered from their possession (₹2,500/- from Jaetee, ₹15,000/- from Pinki, and ₹9,000/- from Chanda). It is pertinent to mention here that the Chanda is the co-accused whose



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fingerprints match from the chance prints recovered from the crime scene.

28. The petitioner's presence in the CCTV footage showing the accused group travelling to and boarding a train for Rajasthan on the same day of the theft. Her arrest in Hotel Raj Palace at Suradiya, Ajmer–Beawar, Rajasthan, together with co-accused persons, which corroborates her association with the group post-offence and strengthens the prosecution's case that she was part of a coordinated operation. This not only corroborates the CCTV footage of escape but also indicates her association with the absconding group after the incident. Further, the record also indicates that the fingerprints of co-accused Chanda matched prints lifted from the crime scene, which, corroborates the group-offence theory and makes the petitioner's association probative at this stage.

29. Regarding the photographs (dated 02.02.2025), while the shop in the photographs is acknowledged by the prosecution not to be the complainant's, the images still indicate towards the method and the petitioner's association with co-accused Chanda in the relevant early-morning setting and thus, her presence around 05:00 AM on 08.02.2025 creates doubt about her conduct.

30. On that footing, the argument of the State that the winter-hour gathering is not irrelevant but consistent with the cover-and-entry method, and also, the petitioner's being seen with a co-accused further strengthens the inference of participation particularly with substantial recovery (₹6.37 lakh out of ₹10 lakh) still pending and one suspect (Mosami) absconding.

31. The present record, read with the learned ASJ's order dated 13.06.2025, discloses (i) a specific and organized *modus operandi* of



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group theft by shielding the shop front and lifting the shutter in the dark hours; (ii) the applicant's association with co-accused Chanda in the material timeframe and the fact that the applicant was arrested along with Chanda and Pinki; (iii) the match of co-accused Chanda's fingerprints with chance prints lifted from the spot; (iv) movement of the group outside Delhi thereafter; and (v) a substantial unrecovered amount of ₹6.37 lakh out of ₹10,00,000/-.

32. At the bail stage, these circumstances cumulatively carry weight. The smallness of recovery from the applicant does not, by itself, neutralize the other circumstances or the prosecution's case that the offence is the product of a coordinated plan.

33. Whether the Nabi Karim photograph or any CCTV ultimately proves identity is a matter for trial, and at present, the photographs are pressed to show a settled *modus operandi*.

34. The argument regarding non-citation of the employee Sanjay (as presently pointed out by the defence) may be tested during trial; the prosecution is not precluded from examining him, and any such omission, at this stage, is not determinative for bail when other *prima facie* material exists.

35. The nature of the alleged act, i.e., housebreaking/theft at Sadar Bazar, discovered on 08.02.2025, with a large reported loss of ₹10,00,000/-, allegedly executed in the early hours around 04:00–05:00 AM, using a coordinated method and an E-rickshaw for approach/escape, has wider public impact on market-area security.

36. Further, on one hand, the petitioner has urged that she is a poor woman, making her livelihood as a ragpicker and balloon seller, with no past criminal antecedents. However, on the other hand, the record demonstrates that immediately after the commission of the offence,



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she was captured in CCTV footage relied upon by the prosecution, showing her along with the group of accused persons proceeding towards the railway station in the early morning hours and thereafter boarding a train bound for Rajasthan. Pursuant to further investigation, she was ultimately apprehended in Hotel Raj Palace at Suradiya, Ajmer–Beawar, together with co-accused Pinki and Chanda. This sequence of events, of being seen leaving Delhi with the group and being found in concert with them outside the State, that too at a Hotel, makes out a *prima facie* case against the petitioner. It not only undermines the plea of her being a mere poor and innocent but also supports the prosecution's allegation of a coordinated and organized participation in the offence.

Conclusion

37. In view of the foregoing, and having weighed facts and circumstances, the organized *modus operandi* alleged, this Court is not persuaded to grant bail. Accordingly, the instant regular bail application stands dismissed,

38. Pending application(s), if any, stands disposed of.

39. It is clarified that the observations made herein above are confined to the present consideration of bail and shall not be construed as an expression of this Court on the merits of the case before the learned Trial Court.

AJAY DIGPAUL, J.

SEPTEMBER 12, 2025/ar/ryp

Signature Not Verified

Signed By: SHU/PI BAIL APPLN. 2538/2025
Signing Date: 12.09.2025
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