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

+ **BAIL APPLN. 4153/2024**

DHEERAJ VATS

.....Petitioner

Through: Mr. N.S. Dalal, Ms. Nidhi Dalal, Mr.
Alok Kumar, Ms. Rachana Dalal, Mr.
Karan Mann and Mr. Kunal Narwal,
Advocates

Versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkrash, APP for the State with SI
Deepak Phogat and HC Hansrj, PS
Chhawla

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.01.2025

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1. The present petition has been filed seeking anticipatory bail in connection with FIR No. 80109219/2024 under Sections 305/3(5) BNS, 2023 registered at Police Station Chhawla.
2. The allegations in the FIR are that the CCTV Camera and DVR installed at the premises of the complainant has been stolen by the present petitioner.
3. Mr. N.S. Dalal, learned counsel appearing on behalf of the petitioner invites attention of the Court to the judgment passed by the Court of District Judge-05, Dwarka Courts, New Delhi in a suit filed by the complainant's family which pertains to the same property where the DVR in question is



stated to have been installed.

4. He submits that a clear finding has been recorded by the learned District Judge-05 to the effect that the plaintiff in the said suit has failed to prove his settled possession in the suit property. He submits that since the property belongs to the present petitioner, any removal of the DVR from the said premises cannot attract the provisions of Section 305/3(5) BNS, 2023.

5. The notice was issued in the present matter with a direction to the State to file a status report. The status report has been filed, the same is on record. The status report states that custodial interrogation of the petitioner is required since the recovery is to be made. However, on a query posed by the Court, the learned APP, on instructions from the IO who is present in Court, states that DVR in question belongs to the MCD and not to the complainant.

6. In view of the above and regard being had to the finding recorded by the learned District Judge-05 in the civil suit filed by the complainant's family, this Court is of the view that the petitioner is entitled to concession of anticipatory bail.

7. Accordingly, it is directed that in the event of petitioner's arrest, he may be released on bail subject to his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/concerned IO and further subject to the following conditions:

(a) Petitioners shall join investigation as and when directed by the I.O concerned.

(b) Petitioner shall not influence the witnesses in any manner or try to contact the complainant or tamper with the evidence.

8. With the aforesaid directions, the petition stands disposed of.



9. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

JANUARY 28, 2025

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