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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4139/2024 & CRL.M.(BAIL) 2111/2024
CRL.M.A. 34096/2024 (Exemption), CRL.M.A. 34097/2024
(Exemption), CRL.M.A. 35784/2024 (Interim Protection)

SH RAVI KUMAR WADHWAN @NANHEPetitioner

Through: Mr. Manish Pratap Singh, Mr.
Abhishek Kumar and Ms. Annie,
Advocates.

versus

STATE OF GOVT OF NCT OF
DELHI THROUGH SHO

.....Respondent

Through: Mr. Anand V. Khatri, ASC (criminal)
for the State.
SI Prashant Kumar, PS Prashant
Vihar.
Mr. Himanshu Goyal, Advocate for
complainant (through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.01.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 482 of the BNSS read with Section 438 of the CrPC seeks anticipatory bail in case FIR No. 572/2024, under Sections 304(4)/3 (5) of the BNS, registered at P.S. Prashant Vihar.
3. The case of the prosecution as per the status report dated 11.12.2024 authored by SHO/PS Prashant Vihar is as under :-

“1. That FIR No. 572/2024 U/s 304(4)/3(5) PS Prashant Vihar was registered on the complaint of Shri SN Goyal S/o Lt. Sh. SH NR Goyal R/o H. NO. 474 Veer Apartment Sec-13 Rohini New Delhi, alleging that his/her mobile phone was snatched by two unknown



persons riding a Motor Cycle. After registering FIR investigation was initiated.

2. That during investigation teams were formed to trace accused persons and snatched mobile phone. Team checked CCTV footage near scene of Crime. Two scooty riders were noticed and further CCTV footage were checked to make trail of accused persons. Following the trail team reached near address H. NO. C-577, Mangolpuri North west Delhi and found that the Two riders entered the address. Resident of the address suspected to be receiver of the snatched mobile phone or abettor of the crime. Manual information was tried to collect about the resident of the address.

3. That during investigation it came to notice that resident of the address Ravi Kumar Wadhwan @ Nanhe is a habitual offender and is previously involved in 07 cases of theft and snatching. **On the basis of CCTV footage and manual information, there was sufficient ground of suspicion that he is the receiver of the snatched property and he abetted the offence by providing support of snatchers. Again, footage near the address were checked in which it was learnt that snatchers are frequently visiting the address of Ravi Kumar.**

4. That upon sufficient suspicion of committing the offence arrest of Ravi Kumar Wadhwan @ Nanhe was required for recovery of stolen property, from preventing accused from committing further offence (as suspect/accused is habitual offender) and previously involved in 07 cases of theft and snatching. **(Reference Section 35 (1) (b)(i) BNSS)**

5. That as suspect/accused is habitual offender and previously involved in 07 cases of theft and snatching Judgement of Hon'ble Supreme court titled as Arnesh Kumar Vs Bihar state does not applicable. **(Reference section 35(3) BNSS)**

6. What as far as concerned the matter of Delhi High Court in the matter of W.P.(CRL) 3069/2023 order dated 18/10/2023 it is submitted that the says " IN view of aforesaid submissions of learned ASC, this court is of the considered opinion that the police authorities shall undertake all acts purely in accordance with law. However, so far as the family members of the petitioner are concerned, the Police officials shall refrain from making any domiciliary visits and any search etc., **if needed, shall be conducted strictly in accordance with law.**

7. That search for arrest of suspect/accused/applicant and snatched property was made under the provision of **u/s 35 (1) (b)(t), 44 and 45**



BNSS 2023.

8. That deputed IO knock the door of the address, Runa opened the door and refrained Police team from entering the house and gave sufficient time to escape Ravi Kumar Wadhwan. Notice u75 35(3) BNSS was served upon Ravi Kumar. But Runa refuse to signed then the notice was pasted at the entry of the house.

9. Accused/applicant filed an anticipatory application before Hon'ble Session court Rohini but due to previous involvement of accused/applicant in 07 cases, evidence collected and direct involvement in this case bail application was dismissed on merit.

10. Again, search of accused/applicant was conducted but he deliberately hide himself from investigation. A notice again was served upon him by pasting on conspicuous place of the house.

11. The accused persons who had committed the offence of snatching are well acquainted with the suspect accused/applicant/suspect. He is the only person who can get them further arrested as this crime is being committed in a very organized manner and common people are facing the ire.

12. During further investigation rider of the scooty was identified as Vinay @ Rahul @ Kabadi S/o Surjeet R/o H. No. 2/5 Budh Vihar PH-1 Delhi age 23 and it learnt that the accused person Vinay has been arrested by staff of PS Rohini South on dated 7/11/2024 along with the stolen scooty. The said scooty was stolen by accused persons Vinay and Hemant.

13. Accused Vinay was produced by Jail staff and he was formally arrested and interrogated. During interrogation he disclosed that he was riding the scooty and his friend Hemant snatched the mobile phone and they sold it to Ravi Kumar Wadhwa @, Nanhe and received Rs 3000/- in return. He further disclosed that he along with Hemant snatched 02 mobile phones and gave those mobile phones to Ravi.

14. That 02 days PC remand of accused Vinay was obtained and Vinay took the investigation team at the address of accused/applicant which is a co-roborative evidence. The same if also corroborative with the CCTVs.

15. Accused/applicant is directly involved in this crime and refraining himself deliberately from the investigation and wasting precious time of the Hon'ble Court and taking advantage of the High Court order passed on dated 18/10/2023. Applicant/accused is misusing and misinterpreting Hon'ble High Court Orders and committing offence and deterring Police official from taking action against him however Hon'ble, court ordered that **"if needed, shall be conducted strictly**



in accordance with law”.

16. It is pertinent to mentioned here that the applicant/accused using the above-mentioned order of Hon'ble Delhi High Court to deter police persons to take action against him and not only this he is using name of one Advocate Abhishek Wadhwan by using name plate mentioning "**Abhishek Wadhwan Advocate Supreme Court of India, Delhi High Court BA, LLB, LLM S/o Ravi Wadhwan C-577, Mangolpuri PH 8851810353**". Mobile number 8851810353 mentioned on name plate is belong to one Abhishek Kumar S/o Darshan Kumar”

4. Learned counsel appearing on behalf of the applicant submits that the investigation in the present case has not been fair. It is pointed out that as per the CCTV footage the snatchers had entered a lane where one other person by the name of Manish @ Golu was also residing and the present applicant has been falsely implicated in order to shield the said Manish @ Golu. It is further submitted that other alleged snatchers have already been arrested and 60 days have passed since their arrest. It is also submitted that out of the 7 cases mentioned in the status report, effectively only one case is pending against the appellant and therefore, the status report to that effect is misleading. It is further pointed out that the CCTV footage does not show that the snatchers are coming out of the applicant's house.

5. *Per contra*, learned APP for the State submits that the applicant has been involved in a series of offences in similar nature and despite notices having been served upon him, he has not joined the investigation.

6. Heard learned counsel for the parties and perused the record.

7. As per the status report, after examining the CCTV footage the trail of snatchers led to the house of the present applicant. It is further recorded that when the Investigating Officer attempted to serve the notice upon the applicant, the wife of the latter opened the door and prevented him from



entering the house, thereby, giving sufficient time to the applicant to escape from the house. The name of the applicant has also been given by the alleged snatchers in the disclosure statement. It is further noted that the Applicant as per the status report has been involved in similar offences. In view of the aforesaid circumstances, the custodial interrogation of the applicant is required to complete the investigation in the present case.

8. In view of the above, no case for anticipatory bail is made out and the present application is dismissed and disposed of accordingly.

9. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

JANUARY 09, 2025/sn

Click here to check corrigendum, if any