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

+ **BAIL APPLN. 4099/2025**

PRADEEP KUMAR

.....Petitioner

Through: Mr. Afroz Khan, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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30.10.2025

CRL.M.A. 31876/2025 (exemption)

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

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 538/2025, registered at Police Station Shalimar Bagh, Delhi, for the commission of offences punishable under Sections 306/317(2) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the present case are that on 26.09.2025, the present FIR was registered on the complaint of one Mr. Rohit Gurnani, alleging that his house help, one Savita, had stolen certain valuable jewellery



articles in April 2025, from his house, which fact came to light only on 24.09.2025, when his mother checked her almirah and found them missing. During investigation, the co-accused Savita was arrested and certain stolen items were recovered from her possession. It is also stated that the said co-accused had disclosed that she had sold the rest of the stolen goods to the owner of a shop namely “Maa Bhagwati Jewellers” located in her neighbourhood, i.e., Pradeep Kumar, the present applicant, and his son, for Rs. 6,55,000/-. Thereafter, the applicant and co-accused Savita's husband Laxman were brought to the police station for interrogation and the applicant herein had allegedly disclosed that he had bought 192 grams of gold from Savita and had given her Rs. 6,55,000/- in lieu thereof, whereafter he had got the same melted and had later re-sold it. It is further alleged that the applicant had informed the complainant that some diamonds and stones which could not be melted were kept in 3–4 packets in a bag inside the cupboard at his house, which his son would hand over. Subsequently, the police, along with the complainant, had visited the applicant's residence where the applicant had allegedly produced four packets containing diamonds and stones, later identified by the complainant to be stolen, whereafter the applicant had fled from the spot. Eventually, the WhatsApp chats between the applicant and co-accused Savita, and Call Detail Records (CDRs) of the phone calls between them were also recovered during the course of investigation.

6. The learned counsel appearing on behalf of the applicant argues that the applicant has been falsely implicated in the present case, merely on the basis of suspicion and disclosure statement of co-accused Savita. It is argued that the recovery of certain jewellery items was planted and was not effected



at the instance of the applicant.. In this regard, it is pointed out that the applicant had, merely on request of the co-accused Savita, agreed to design the jewellery articles in the manner intended by her, as a part of his business. It is also contended that the present FIR has been lodged after a delay of more than four months. It is further argued that the applicant was illegally picked up by police officials of P.S. Shalimar Bagh on the intervening night of 25.09.2025 at around 9-10 p.m. from his house, even before the registration of the present FIR. On 26.09.2025 at about 11:47 AM, without any lawful authority or warrant, whereafter the applicant had been kept in illegal custody throughout the night, for a period totalling about 28 hours. Therefore, it is prayed that the present bail application be allowed.

7. The learned APP appearing for the State, on the other hand, opposes the present bail application, and submits that the allegations against the applicant are serious in nature. It is argued that the WhatsApp chats and the Call Detail Records (CDRs) placed on record clearly depict that the applicant was in regular touch with the co-accused Savita and that he was actively involved in the sale of stolen jewellery items. Further, it is argued that 4 pouches of stolen diamond and stolen stones were recovered at the applicant's instance and there is prima facie material to indicate that the applicant has derived financial gains from the sale of the stolen jewellery items. It is also stated that the applicant is a habitual offender. It is also pointed out that the remaining case property still needs to be recovered from him for which is custodial interrogation. Therefore, it is prayed that the anticipatory bail application of the present accused be dismissed.

8. This Court has **heard** arguments addressed by the applicant and the learned APP for the State, and has perused the material on record.



9. Insofar as the contention on behalf of the applicant that no incriminating material has been recovered from his possession is concerned, this Court finds that the record, at this stage, reveals that a polythene bag containing 4 pouches of diamonds and stones articles had been recovered from the possession of the applicant, subsequently identified by the complainant as stolen articles.

10. Further, it is also reflected from a perusal of the WhatsApp chats exchanged between the applicant and the co-accused, and a perusal of the transcripts of the WhatsApp audio clips and the Call Detail Records (CDRs) placed on record, that the applicant and the co-accused Savita had been in regular contact with each other and that the co-accused Savita had sent certain photographs of the jewellery items to the applicant, apparently with some direction as to the manner in which the said items were to be made.

11. This Court also takes note of the audio transcripts placed on record, containing the telephonic conversation between the complainant and the applicant, wherein the applicant apparently has admitted having purchased gold items worth about 92 grams, allegedly a part of the stolen items, and paid about Rs. 6 lakhs to the co-accused Savita in lieu thereof. It further appears therefrom that the applicant had further sold the bag containing gold items to one Pandu for melting purposes. Additionally, the audio transcripts of the conversation between the applicant, his son and complainant have also been placed on record which pertain to some diamond pouches, which is allegedly a part of the stolen property. It is also stated therein that the applicant would return them all to the complainant, however, as alleged, no such return has been effected.

12. Furthermore, this Court takes note of the statement of one Manisha,



co-accused Savita's daughter, wherein she has stated that her mother had stolen jewellery items from the complainant's house and had later sold them to the applicant. It is also alleged therein that the applicant had apparently threatened her to ask her mother to retract from her statement wherein she had implicated the applicant.

13. Insofar as the alleged procedural lapses on the part of the police officials are concerned, a complaint dated 30.09.2025 had already been filed by the complainant/applicant before the ACP, Vigilance Department, and a report from DCP North West had also been received thereon, wherein it is stated that the inquiry from PG Cell has been initiated and a show-cause notice had been issued to the concerned police officials, presently pending adjudication.

14. Thus, considering the overall facts and circumstances of the case coupled with the fact that the matter is still at a nascent stage, this Court finds that no case for the grant of anticipatory bail to the applicant is made out.

15. Accordingly, the present anticipatory bail application is dismissed.

16. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

17. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 30, 2025/vc