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

+ **BAIL APPLN. 4519/2024**

AKRAM AHMAD

.....Petitioner

Through: Mohd. Suza Faisal and Mr. Azeem
Ansari, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, Ld. APP for
the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **11.03.2025**

1. A Bail Application under Section 438 Cr.P.C/482 BNSS has been filed on behalf of the Petitioner for grant of Anticipatory Bail in case FIR No.726/2022 under Section 392/34 IPC registered at Police Station DBG Road.

2. It is submitted in the Petition that on 17.11.2024 the Police came to the house of the Applicant, when he was not present. The Police told the wife of the Applicant to send him to Police Station, on 18.11.2024. The Anticipatory Bail Application filed by Applicant before the Trial Court, got dismissed on 22.11.2024. Hence, the present Petition has been filed.

3. The **grounds on** which the Bail is sought is that though the FIR is of 2022, not a single Notice or any information regarding the alleged offence was given to the Applicant, who is not even aware about the registration of FIR. Furthermore, no nexus of the present Petitioner of threatening the



Complainant directly or indirectly, has been established. Tara Chand and Amir who had disclosed the name of the Applicant, have already been granted bail. The Applicant undertaken to join the investigation and when required. He has clean antecedents and seeks the Anticipatory Bail.

4. The **Status Report** has been filed on behalf of the Respondent, wherein it has been stated that the FIR was registered on the statement of Varun Gupta who alleged that in the evening of 02.12.2022, he was going to give Rs.7.50 lacs to his owner's friend on his motorcycle. When he reached at D Mart, opposite New Rohtak road, four person came on two motorcycles and robbed him of his bag containing the money, ID Card and some documents. The case was accordingly registered and the investigations taken up.

5. On the basis of secret information on 23.12.2022 the CCL Akash @ chunna was apprehended and one mobile phone was recovered from his possession. He disclosed that the video of Scooty No.DL5SE 2420 used in the offence, was stored in the mobile. On his statement, co-accused Mohit Pandey @ Mukku and their informer associate Jiya Lal were arrested, but no recovery was made.

6. During the course of the investigations, **Mohit Pandey** disclosed that on 02.12.2022 he along with four accomplices namely Akram, Deen Bandhu Sharma, Sonvir @ Somvir and Kamal met near the house of Deen Bandhu at Pratap Khand, Jhilmil Colony. He also disclosed that Kamal and Deen Bandhu were on one bike with Kamal as rider, while Akram and Sonvir were on another bike which was being driven by Akram. Mohit and Akash were on one Scooty, driven by Mohit. They all met with one Jiya Lal who gave them information about the Complainant. TIP of accused Mohit



Pandey failed as the witness/complainant was unable to identify the accused. The Accused/informer Jiya Lal has been released from the present case as there was no evidence against him. Mohit Pandey has also been granted bail.

7. On 17.11.2024, the IO search the house of Applicant Akram, but he was not found available. Both Deen Bandhu and Sonvir @ Somveer were already in judicial custody in FIR No.476/2022, P.S. Civil Lines who were formally arrested in this case. During the interrogation both disclosed about their involvement in the present FIR and further disclosed that Rs.7.5 lacs that were robbed from the Complainant, were taken by the Applicant Akram. However, during TIP conducted on 28.11.2024, Complainant was unable to identify them as they were wearing helmets at the time of commission of offence.

8. It is further submitted that after the Anticipatory Bail Application of the Applicant was dismissed on 22.11.2024, he filed an Application for surrender on 29.11.2024, but he failed to appear. Thereafter, dates were given, but because he did not appear, the Application was dismissed on 04.12.2024.

9. On 07.12.2024, another accused Kamal was arrested who also made a similar Disclosure Statement of the entire amount having been taken away by the Applicant. The Accused Kamal was discharged as his TIP was not successful.

10. It is further submitted that vide Order dated 09.1.22024, no coercive action was directed to be taken against the Petitioner, and he joined investigation but he has not been cooperative during the investigations. He had not disclosed anything about the robbed about. The custodial



interrogation of the Applicant is required.

11. The Bail is opposed on the ground that the crime is heinous and the Applicant was present and actively involved in the crime along with his accomplices. The antecedents are not clean as he is involved in five other FIR Nos.456/1996, 214/2001, 575/2014, 192/2018 and 682/2021. It is, therefore, submitted that he be not granted Bail.

12. **Submissions heard and record perused.**

13. The incident is of 02.12.2022. The allegations against the Applicant are that he was active member of the robbery and had taken Rs.7.5 lacs from the Complainant. However, he has joined the investigations. His TIP has been conducted, where the Complainant has failed to identify him. Other co-accused have been admitted to bail or discharged. The chargesheet already stand filed in the Trial Court.

14. Considering the nature of allegation and the totality of circumstances, it is directed that that in the event of his arrest, the petitioner shall be admitted to bail subject to the following conditions:

- (i) The petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer;
- (ii) The petitioner shall furnish his mobile phone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (iii) The petitioner shall not tamper with evidence or threaten the witnesses.



13. The Petition stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

MARCH 11, 2025/va