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

+ **BAIL APPLN. 4577/2024**

PREM PRAKASH

.....Petitioner

Through: Mr. Sanjay K. Sharma and Mr.
Rajeev K. Agarwal, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Rajesh Kumar, HC Anil
Kumar, PS Najafgarh.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

14.02.2025

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1. The First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 438 of the Code of Criminal Procedure, 1973) has been filed on behalf of the Petitioner, Prem Prakash for grant of Anticipatory Bail in Case E-FIR No. 801104933/2024 under Section 305/331(5) of Bhartiya Nyaya Sanhita, 2023 registered at Police Station Najafgarh.

2. It is submitted that the Petitioner and the Complainant, are the real brothers and the allegations are of theft of Rs.1,10,000/-. The Bail is sought on the ground that the Complainant, Laxmi Narayan, the brother of the Applicant had taken a huge amount from the Petitioner as a friendly loan but later he became dishonest and in order to escape the liability, he has made false allegations against him. Further, the grandson of the Petitioner, who



was just 5½ years old, got murdered about 2½ years back and his mental condition is not good. He is totally innocent and has been falsely implicated in this Case. He is not a previous convict and is a permanent resident of Delhi and the Anticipatory Bail is sought.

3. Status Report has been filed wherein it is submitted that the dispute is in regard to the ancestral property. The Petitioner has joined the investigations but was not co-operative. He did not give satisfactorily reply regarding the case property i.e. Rs. 1.10 lakh and documents of property.

4. **Submissions heard and the record perused.**

5. It is a case of theft of Rs.1,10,000/- and is essentially a dispute *inter se* the brothers. Considering the totality of the circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.
- (iii) The Petitioner shall furnish his cellphone 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.
- (iv) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.



6. The Petition stands disposed of in the above terms.
7. Copy of the Order be sent to the learned Trial Court.

NEENA BANSAL KRISHNA, J

FEBRUARY 14, 2025/RS