



\$~104 & 105

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

+ **BAIL APPLN. 4612/2025**

KESHAV KUMAR

.....Petitioner

Through: Mr. Afroz Khan, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Chetan Dahiya,
Advocate

(105)

+ **BAIL APPLN. 4621/2025 & CRL.M.A. 35641/2025**

ADESH KUMAR

.....Petitioner

Through: Mr. Afroz Khan, Advocate

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State with Mr. Chetan Dahiya,
Advocate

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

10.12.2025

%

1. By way of instant applications, the applicants seek 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 offence



punishable under Section 306/317(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter '*BNS*').

2. Brief facts of the present case are that on 25.09.2025, a complaint was registered in which the complainant alleged that certain jewellery and valuable articles had been stolen from his house. He stated that the valuables were last checked in April 2025, and on 24.09.2025, when his mother inspected the almirah, the articles were found missing. He further expressed suspicion against his caretaker, co-accused Savita, as she had exclusive access to the room of the mother.

3. Further, interrogation of Savita was conducted, who confessed that she resided in Loni, Delhi, and had stolen the valuables from the complainant's house and sold them to a jeweller, co-accused Pradeep Kumar, and his son who are the present applicant/accused Keshav and Adesh near her residence. Further, the police team reached the said address of co-accused Savita, where her husband Bablu @ Laxman was found present. He reiterated co-accused Savita's version and stated that the stolen jewellery could be recovered from the house of co-accused Pradeep Kumar.

4. The learned counsel for the applicant/accused Keshav argues that he has been falsely implicated in the present case. It is argued that the applicant runs an independent business under the name "Maa Bhagwati Garments" and has no connection whatsoever with the alleged offence. It is further argued that there is no CCTV footage, no eyewitness, no call detail records, no recovery, and no electronic communication linking the applicant with the allegations. The counsel argues that the applicant has cooperated with the investigation on multiple occasions and that mere suspicion, however strong, cannot replace the requirement of legally admissible



evidence. It is argued that the IO's case is based entirely on assumptions and presumptions without any factual or legal foundation, and that the repeated attempts to implicate all male members of the family, despite their independent occupations and separate workplaces, indicate a mala fide and pre-determined effort to create a false theory of "family involvement" unsupported by any material on record. Therefore, it is submitted that the arrest of the applicant/accused would serve no purpose and would only lead to undue harassment, amounting to a violation of his fundamental rights under Article 21 of the Constitution of India.

5. The learned counsel for the applicant/accused Adesh argues that the applicant is employed at "Padmawati Diamonds" and works daily from 12:30 p.m. to 8:30 p.m. in Chandni Chowk, which fact has already been duly verified by the Investigating Officer. It is argued that it is impossible for the applicant to be present at two places simultaneously. It is further submitted that the jewellery shop owned by the applicant/accused Adesh father closes at around 9:00 p.m., and at that time the applicant/accused Adesh is generally not present at home, thereby ruling out the possibility of his involvement. The counsel contends that the applicant/accused Adesh has been falsely implicated without any evidence linking him to the alleged offence. It is also argued that the applicant/accused Adesh has joined the investigation and has fully cooperated with the IO. Therefore, it is submitted that there is no necessity for taking the applicant/accused into custody.

6. The learned APP for the State argues that the present case is serious in nature. It is argued that the applicant/accused Keshav and Adesh were involved in the commission of the offence in connivance with their father, who is a co-accused in the case. The learned APP further argues that the call



detail records reveal connectivity between applicant/accused Keshav and co-accused Savita on 21.11.2024, indicating that they were known to each other. It is argued that although applicant/accused Keshav joined the investigation once, he did not cooperate with the I.O thereafter. It is further argued that Keshav runs a garment shop named “Maa Bhagwati Garments”, which is adjacent to the jewellery shop of his father, and that both the applicants/accused Keshav work either together or interchangeably in these shops.

7. With respect to the applicant/accused Adesh, it is argued that he had a telephonic conversation with the complainant wherein he allegedly stated that he had knowledge of the stolen property and would return the same. The learned APP also argues that the mobile number of applicant/accused Adesh is registered as a business account in the name of “Maa Bhagwati Jewellers”, which displays a catalogue of gold sets along with their weight and price, indicating his involvement in the jewellery trade. It is further argued that both applicants/accused are absconding, and non-bailable warrants have already been issued against them. Considering the material on record, the learned APP prays that anticipatory bail be denied to both the applicants/accused, Adesh and Keshav.

8. This Court has heard the arguments addressed by the learned counsel for the applicant/accused Keshav and Adesh and the learned APP for the state and has perused the material on record.

9. This Court notes that the applicant/accused Keshav Kumar has claimed that he is not acquainted with the co-accused Savita. However, upon perusal of the Call Detail Records of the applicant/accused Keshav, it has come to light that on 21.11.2024, there was a telephonic conversation



between him and co-accused Savita.

10. It is noted by this Court that the applicant/accused Keshav had joined the investigation on one occasion; however, the State submits that he did not cooperate with the investigation.

11. It is also one of the contentions of the applicant/accused Keshav that he does not work with his father in the jewellery shop and is employed in a separate garment shop. However, this Court notes that the mobile number of the applicant/accused Keshav is registered in the name of “Maa Bhagwati Garments,” and a jewellery pouch bearing the name “Maa Bhagwati Jewellers” was recovered from the residence of co-accused Savita. It is further verified, as mentioned in the status report, that both shops are adjoining each other and the applicant/accused and the co-accused father used to work interchangeably and together sometimes.

12. This Court has perused the call transcripts placed on record between the complainant and the applicant/accused Adesh Kumar. It is evident from the said transcripts that the applicant/accused had knowledge of the stolen property, which was kept at his residence.

13. Further, this Court notes that the Call Detail Records of the applicant/accused Adesh were also examined. It is pertinent to observe that the mobile number of the applicant/accused Adesh is registered as a WhatsApp Business Account in the name of “Maa Bhagwati Jewellers,” displaying catalogue images of gold sets, bangles, along with their respective weights and prices. This indicates that he played an active role in the jewellery business managed by his father and the applicant/accused Keshav.

14. Further, it is also brought to the notice of this Court that on



01.12.2025 the applicant/accused persons were directed to provide the CCTV footage of their jewellery shop, and the same was furnished. However, upon examination, it is observed that the CCTV footage has been tampered with, and approximately 12 minutes of recording has been deleted. Notably, in the available portion of the footage, the bench placed in front of the locker is seen displaced from its original position.

15. Further, it is pertinent to note that Non-Bailable Warrants were issued on 19.11.2025 against both the applicants/accused Keshav and Adesh, as they have been absconding since 04.11.2025 and have deliberately not cooperated with the investigation.

16. Considering the overall facts and circumstances of the case, this court is not inclined to grant anticipatory bail to the applicant/accused Keshav and Adesh as interrogation for the purpose of further recovery of stolen property is required.

17. Accordingly, the present applications stand dismissed.

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

19. The order be uploaded on the website forthwith

DR. SWARANA KANTA SHARMA, J

DECEMBER 10, 2025/ns

RB,GJ,A