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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4723/2024**
SATISH KUMAR@ AZADPetitioner

Through: Mr. Mohit Kumar and Mr. Atul Kumar
Jha, Advocates

versus

STATE OF NCT DELHIRespondent
Through: Mr. Aman Usman, APP for the State
with SI Rakesh Kumar, PS Crime
Branch, New Delhi

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
05.03.2025

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1. The present petition has been filed seeking regular bail in connection with FIR No. 25/2022 under Sections 186/353/307/34 IPC and Sections 25/27 of the Arms Act registered at Police Station Crime Branch, New Delhi.
2. The case of the prosecution is that upon receiving an information from a secret informer that car thieves gang who steal cars in Delhi and its surrounding areas are going to commit another car theft on the said date at around 6.30 a.m. and a raiding party was constituted and deputed at IIT Metro Station.
3. At 7.45 a.m. a white Fortuner Car was spotted which was told to be stolen, the raiding party signalled the car to stop. However, instead of stopping the car, the driver tried to hit the Sub-Inspectors who were part of the raiding team. Thereafter, the car lost control and hit a tree. It is further the case of the prosecution that the persons sitting in the car on the driver seat pointed



country made pistol at the raiding party. This led to the registration of the aforesaid FIR.

4. Learned counsel appearing for the petitioner submits that petitioner is in custody since 02.03.2022 and it is not the case of the prosecution that any pistol shot was fired from the pistol by the petitioner. So far so, no recovery of weapon was made at the instance of the present petitioner. Therefore, no offence under Section 307 IPC or Sections 25/27 of the Arms Act is made out.

5. In so far as the other cases alleged against the present petitioner are concerned, learned counsel appearing on behalf of the petitioner submits that the petitioner is either on bail in the said cases or has been acquitted. He submits that after the registration of the present FIR, there is no other case registered against the present petitioner.

6. It is further the contention of the learned counsel that that the petitioner is the only bread-earner in the family and he has a son who is aged about 15 years, who is not able to pursue his studies on account of financial crunch being faced by the family due to petitioner's incarceration. He, therefore, urges the Court that the petitioner may be enlarged on bail.

7. *Per contra*, learned APP appearing for the State has argued on the lines of the status report. He submits that the petitioner is involved in as many as 52 other criminal cases and because of his such involvements he does not deserve to be granted bail. He submits that the decoding machine was also recovered at the instance of the present petitioner which is used for committing theft of the cars and 10 keys of various other cars were recovered from him. He further submits that the petitioner is convicted in as many as six cases.

8. In rejoinder, learned counsel for the petitioner submits that petitioner is



a mechanic by profession, therefore, recovery of car keys is not unusual. Even otherwise, the recovery has been planted. He submits that there is no recovery of any stolen car made from the petitioner or at his instance.

9. I have heard the learned counsel for the petitioner as well as learned APP for the State and have perused the record. It is not in controversy that no pistol shot was fired by the present petitioner nor any recovery of weapon was made from the present petitioner.

10. It is also not the case of the prosecution that any stolen car was recovered at the instance of the present petitioner. The petitioner is already in custody for the last three years therefore, his custody is no more required for any purpose.

11. In so far as other cases registered against the present petitioner are concerned, the same cannot be the sole basis for rejection of his bail.

12. The petitioner's presence during trial can otherwise be ensured by imposing appropriate conditions.

13. Having regard to the facts and circumstances noted herein above, it is not a case which warrants keeping the present petitioner in custody for indefinite period to await the outcome of trial, the conclusion of which will take some time.

14. Considering the aforesaid circumstances in entirety, this court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:



- (a) Petitioner shall report to the concerned Investigating Officer once in a week and in case the IO is not available, he will report to the Duty Officer, between 04:00 p.m. to 05:00 p.m. The petitioner will, however, not be detained beyond 5.00 p.m. on the day he reports.
 - (b) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - (c) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - (d) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the victim or any family members of the victim directly or indirectly.
15. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.
16. The application is disposed of.
17. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
18. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

MARCH 5, 2025

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