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

+ **BAIL APPLN. 4585/2025**

BOBI KHAN

.....Petitioner

Through: Mohd. Mustafa, Mr. Manish Shukla,
Ms. Shivani Singh and Mr. Hitesh
Shakya, Advs.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
the State along with SI Rajender
Singh.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.01.2026

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1. By way of the present application, the applicant seeks grant of anticipatory bail in FIR bearing no. 346/2024, registered at Police Station Kotla Mubarak Pur, Delhi for the commission of offences punishable under Sections 319(2)/318(4)/61(2)/309(4)/311/345(3) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Brief facts of the case, as discernible from the status report and the material placed on record, is that on 04.10.2024, a PCR call was received at P.S. Kotla Mubarakpur regarding a robbery committed near A-Block, South Extension, New Delhi. Upon receipt of the said information, the police had reached the spot and had met the complainant, Ravinder Sharma, who was



thereafter examined. The complainant alleged that he had earlier been in contact with one Sanjay, who had been representing himself to be engaged in multi-level marketing business and had been offering him lucrative business proposals. It was alleged that Sanjay had offered to sell gold at a substantially discounted rate, claiming that the gold was being brought into India via Nepal. Acting on the said representation, the complainant, along with his nephew, had agreed to the transaction. It was further alleged that on 03.10.2024, the complainant and his nephew had reached South Extension Part-I, near Metro Gate No. 3, carrying a bag containing ₹11 lakhs in cash, where they had met one Deepak @ Badshah Khan. Thereafter, the complainant, his nephew and the said Deepak @ Badshah Khan had proceeded towards J-Block, South Extension Part-I, on the pretext that the gold would be delivered near their parked vehicle. At that point, the complainant had handed over the bag containing cash to Deepak @ Badshah Khan, while the bag purportedly containing gold had been carried by his associate. It was alleged that while they were returning towards the car, two persons on a Pulsar motorcycle, dressed in *khakhi* pants and police-like shoes, had intercepted them. One of the said persons was carrying a pistol-like object and was impersonating himself as police official. The said person had threatened the complainant and had forcibly taken away the bag purportedly containing gold. In the ensuing commotion, Deepak @ Badshah Khan and his associate had fled in one direction, while the complainant's nephew had fled in another, and the assailants had also escaped from the spot. On the basis of the said allegations, the present FIR came to be registered.



3. So far as the present applicant Bobi Khan is concerned, it is alleged by the prosecution that at a later stage, his role had surfaced during the course of investigation, wherein he was found to have facilitated the commission of the offence by acting in coordination with the co-accused persons and by being present near the scene of crime, and allegedly assisting in the execution and escape plan.

4. The learned counsel appearing for the applicant argues that the investigation in the present case has been completed and the charge-sheet has already been filed. It is further submitted that the applicant has always been willing to join and cooperate with the investigation, as and when required by the Investigating Officer (I.O.). It is contended that there is an unexplained delay of two days in the registration of the FIR. The learned counsel further submits that while the prosecution alleged that the complainant had carried ₹11,00,000/-, the recovery reflected in the charge-sheet amounted to ₹14,22,800/-, comprising both fake and genuine currency, without any explanation as to how the amount exceeded the original sum. It is also argued that the prosecution has failed to explain why the complainant's nephew, who had admittedly fled from the spot, was not made an accused. It is also argued that the FIR was initially registered for less serious offences, and that graver sections were added subsequently, allegedly to strengthen the case against the applicant. It is also argued that several co-accused persons have already been granted bail by this Court and the Hon'ble Supreme Court. On these grounds, it is prayed that the applicant be granted anticipatory bail.

5. The learned APP appearing for the State opposes the application and



argues that the applicant was an active participant in the conspiracy. It is argued that CCTV footage clearly revealed the applicant arriving at the spot in the auto-rickshaw used in the commission of offence, remaining present near the place of incident, and facilitating the escape of co-accused persons after the incident. The learned APP further submits that the applicant was in regular telephonic contact with co-accused persons before and after the commission of the offence, and his mobile location placed him at the scene of crime at the relevant time. It was contended that despite being aware of the investigation and rejection of his earlier anticipatory bail application, the applicant had deliberately evaded arrest, leading to issuance of NBWs and his being declared a proclaimed offender/absconder by the learned Trial Court. The learned APP also contends that crucial recoveries are yet to be made and in view of the serious nature of the offence, the present bail application be dismissed.

6. This Court has **heard** arguments advanced on behalf of the applicant and the State, and has carefully perused the material placed on record.

7. In nutshell, the case of the prosecution is that the complainant was lured into a false transaction for purchase of gold at a discounted rate and was called to South Extension, New Delhi, alongwith a substantial amount of cash. The incident in question was alleged to be a pre-planned robbery executed by a group of accused persons, some of whom impersonated police officials and forcibly took away the bag purportedly containing gold. During the course of investigation, several accused persons were identified, arrested, and charge-sheeted, and the role of each accused surfaced through CCTV footage, recoveries, and electronic evidence.



8. So far as the present applicant Bobi Khan is concerned, his role came to light during the course of investigation through analysis of CCTV footage, call detail records and other material collected by the investigating agency. This Court notes that material collected during investigation has revealed that the applicant had arrived at the spot of incident in an auto-rickshaw bearing No. DL-1RAB-0979 along with co-accused persons, had remained present near the spot, and had facilitated the execution of the offence as well as the escape of the co-accused thereafter. Specifically, the CCTV footage allegedly shows the applicant reaching the incident spot in the said auto, waiting and observing the developments, and thereafter driving away to pick up co-accused persons immediately after the incident. Furthermore, the applicant was allegedly in telephonic contact with other co-accused persons prior to and after the incident, and his mobile phone location was shown to be at or around the spot of incident at the relevant time.

9. Further, this Court cannot lose sight of the conduct of the applicant during investigation. It is apparent from the record that despite being aware of the pendency of the investigation and rejection of his earlier anticipatory bail application, the applicant did not join the investigation. NBWs were issued against him and proceedings under Section 82 of Cr.P.C. were also initiated. Ultimately, the applicant was declared a proclaimed offender by the learned Trial Court. This conduct, in the opinion of this Court, weighs heavily against the grant of anticipatory bail to the applicant.

10. Having regard to the nature of allegations, the specific role attributed to the applicant, the material relied upon by the prosecution at this stage, and



more importantly, the conduct of the applicant in evading arrest and being declared a proclaimed offender, this Court is not inclined to exercise its discretion in favour of the applicant.

11. Accordingly, the present application for anticipatory bail is dismissed.

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

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JANUARY 08, 2026/A/TD