
(2013) 05 DEL CK 0256
In the Delhi High Court
Case No : Bail Application 668 of 2013

Devender Singh @ Roxy

APPELLANT

Vs

State (NCT of Delhi)

RESPONDENT

Date of Decision : 31-05-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 201, 34, 379, 411

Citation : (2013) 7 AD 27

Hon'ble Judges : R.V. Easwar, J

Bench : Single Bench

Advocate : O.N. Sharma and Mr. Sanjay Kumar, for the Appellant; Jasbir Kaur, APP, Rajesh Kumar Singh, SI and P.S. Naraina, for the Respondent

Final Decision : Allowed

Judgement

R.V. Easwar, J.—This is an application for anticipatory bail filed u/s 438 of the Cr.P.C. by Devender Singh @ Roxy in case FIR No. 72/2013 registered in P.S. Naraina u/s 379 /411 /201 /34 of the IPC. According to the prosecution, an FIR was registered at the instance of one Ravinder Singh who complained that his Maruti Van bearing No. DL-2C-AF-4520 which was parked under the Naraina flyover was stolen. Based on the FIR, the police arrested a person by name Makdoom on 22.03.2013 from Mayapuri. Two other persons by name Narender Singh and Mahinder Singh, who were the brothers of the accused, were also arrested on 23.03.2013. It appears that some tyres were recovered from them. The allegations against the accused (applicant herein) is that stolen vehicles used to be brought to him and he was in the business of getting the vehicles dismantled in order to sell the parts. The Sessions Court dismissed the anticipatory bail application of the applicant on the ground that custodial interrogation of the accused is required.

2. It is stated before me that both Makdoom and Mahinder who were arrested have been enlarged on bail and that the custodial interrogation of the accused is

not required. It further appears that the stolen vehicle was recovered. The learned Additional Public Prosecutor who opposed the bail submitted that the custodial interrogation of the applicant is required in order to elicit information from him about other stolen vehicles the persons involved, etc. She submitted that though the applicant, who was granted interim bail by this Court vide order dated 26.04.2013, was directed by this Court to join the investigation, he is not cooperating with the police. The applicant, it is submitted, has also received money for doing the job. As the investigation is at the initial stages, it is contended that the anticipatory bail should not be granted.

3. Having considered the matter carefully I am of the view that the anticipatory should be granted. The vehicle has already been recovered. The other two persons arrested in connection with the theft, namely, Makdoom and Mahinder have been enlarged on bail. There is no earlier conviction of the applicant. In these circumstances, the anticipatory bail is granted subject to the applicant executing a personal bond in the amount of Rs. 20,000/- with one surety of like amount to the satisfaction of the trial court. The applicant is directed to continue to join the investigation as and when required by the SHO/IO concerned and genuinely cooperate in the investigation. He is further directed not to leave Delhi without prior permission of this Court and not to tamper with or influence the evidence/witnesses in the case. The anticipatory bail application is allowed subject to the above conditions.