

(2021) 08 DEL CK 0152

In the Delhi High Court

Case No : Bail Application No. 2264, 2738 Of 2021

Muddasir Nazir Bhat

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 27-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — 34, 120B, 392, 395, 411, 412, 419, 452

Citation : (2021) 08 DEL CK 0152

Hon'ble Judges : Rajnish Bhatnagar, J

Bench : Single Bench

Advocate : Tribindh Kumar, Dr. MP Singh, Kamal Katyan

Final Decision : Dismissed

Judgement

Rajnish Bhatnagar, J

1. By way of this order, I shall dispose of the above mentioned two bail applications which have been filed by the above petitioners under Section

439 Cr.P.C. seeking regular bail in case FIR No. 144/2021, dated 27.03.2021 under Section 395/411/419/452/34/120B IPC registered at P.S. Vasant

Kunj South, New Delhi.

2. Briefly stated, the facts of the case are that a PCR call vide DD No. 43A on 16.03.2021 was received regarding four five suspicious persons

claiming themselves as police officials, have forcefully broken the electronic lock and have entered in the office of IYEO Technology Ghitorni, New

Delhi and lifted many items from there. Preliminary enquiry was conducted and after receiving the statement of the complainant Sh. Mukesh Mahto

S/o Sh. Mahander Mahto R/o No 35, Bhai Market, first floor, Canara Bank, Ghitorni, New Delhi, a case vide FIR No. 144/2021 Dt. 27.03.2021 U/s

392/419/34 IPC was registered and investigation was taken up.

3. During the investigation Sushant Raj, owner of IYEO Technology joined the investigation and he informed that his various items i.e. I-Pad. I-pencil

three Laptops, three watches, DSLR Camera with lenses, DVR, Router, clothes etc. have been looted from his premises by the alleged persons. He

further informed that he has been approached by one person namely Mohit, through whats app chat no. 9827454166, regarding asking for money in

lieu of returning looted items. The mobile number provided by Sushant Raj was traced and alleged Smit Kumar S/o Parveen Singh R/o 1554 (old

1675), 3rd Floor, Sector-46, Main Road Gurugram, Haryana, was apprehended and arrested. The above-mentioned Mobile has been recovered from

the alleged Smit. The same was taken into police possession through seizure memo.

4. On the basis of electronic surveillance and information, all other co-accused namely (1) Raguvinder Kundu, (ii) Sanjay Kapoor @ Ryan, (iii)

Petitioner Manjeet Kumar @ Rony, (iv) Sourabh Bhatia and (v) Petitioner Muddasir @ Maddy were apprehended and arrested in this case. The

disclosure statements of all the accused were recorded and they accepted their involvement in this case.

5. Looted items Canon Camera with lenses were recovered from the possession of petitioner Manjeet Kumar @ Rony and the same was taken into

police possession through seizure memo.

6. One wrist watch make Tissor 1853 silver colour, one wrist watch make Fossil, grey colour and one laptop HP S/N 8CG6324RR5, were recovered

from the possession of petitioner Muddasir @ Maddy and the same was taken into police possession through seizure memo.

7. I have heard Ld. counsel for the petitioners, Ld. APP for the State and have also perused the Status Report and the record of this case.

8. It is submitted by the Ld. counsel for the petitioners that the petitioners are young persons in their early 20 and they have been falsely implicated in

the present case. Recoveries have already been effected. Two of the co-accused are already on bail. There is a delay in making the complaint and

there is also a delay of 10 hours in making the PCR call.

9. On the other hand, it is submitted by the Ld. APP for the State that initially the case was registered U/s 392/419/34 IPC and section

395 IPC was added later on and the allegations have now become serious as a dacoity has taken place in the midnight in the office of the complainant.

He further submitted that the petitioners posed themselves as officers of the crime branch and then committed dacoity of the electronic items as

mentioned in the FIR. It is further submitted that the petitioners have already moved around 4 bail applications each before the Court of Sessions

which have already been dismissed. He further submitted that the petitioners cannot claim parity with the two other co-accused persons who have

been released on bail as the case of the petitioners are different from those two co-accused persons. It is further submitted by the Ld. APP that all

the recovered articles from the petitioners have been identified during the TIP of the articles.

10. In the instant case, the allegations against the petitioners are of dacoity which they committed in the wee hours of the night posing themselves as

officers of Crime Branch. Recovered articles from petitioner Manjeet Kumar @ Rony i.e. Canon Camera with lenses and from petitioner Muddasir

@ Maddy i.e. one wrist watch make Tissor 1853 silver colour, one wrist watch make Fossil, grey colour and one laptop HP S/N 8CG6324RR5 have

been identified by the complainant when the TIP proceedings of these articles were undertaken. The petitioners have the audacity to pose themselves

officers of Crime Branch while committing the dacoity, so when such is the courage of the petitioners, then in my opinion, it cannot be said that they

will not be in a position to tamper with the evidence or threaten the witnesses. Public witnesses are yet to be examined. Therefore, looking into the

seriousness of the offence, no ground for bail is made out. Both the bail applications are, therefore, dismissed.

11. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.