

Roshan Alias Rohan vs.state

Roshan Alias Rohan vs.state

SooperKanoon Citation : sooperkanoon.com/1211183

Court : Delhi

Decided On : Dec-06-2017

Appellant : Roshan Alias Rohan

Respondent : State

Judgement :

\$~ * + IN THE HIGH COURT OF DELHI AT NEW DELHI BAIL APPLN. 2317/2017
Order reserved on :

24. h November, 2017 Order pronounced on :

6. h December, 2017 ROSHAN @ ROHAN ..

... Petitioner

Through: Mr. Biswajit Kumar Patra, Advocate. Versus STATE ..Respondent
Through: Mr. Akshai Malik, APP for the State with ASI Mahesh Kumar, Crime Branch. CORAM: HONBLE MS. JUSTICE SANGITA DHINGRA SEHGAL1 This is an application under Section 439 Cr.PC seeking grant of interim bail for a period of 3 months in case FIR No.378/2014 under Section 395/394/397 IPC registered at Police Station Lahori Gate on the ground of repair his dilapidated house.

2. An FIR has been registered in the instant case on the complaint of Gaurav Rathi, a dry fruits wholesale commission agent alleging that on 09.12.2014 at about 6:15 p.m., four assailants entered his office and robbed Rs.1.15 Crores at the gun point after tying him with ropes; that in his supplementary statement, the

complainant mentioned that the exact robbed amount was Rs.1.40 Crores; that the matter was transferred to the Crime Branch; that during investigation 8 persons were arrested including the present petitioner; that robbed amount of Rs.62.5 Lac was recovered; that BAIL APPLN. 2317/2017 Page 1 of 3 chargesheet has been filed and is pending consideration before the Trial Court.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case; that the petitioner is willing to repair his dilapidated house which is the only shelter of his family and minor children; that the petitioner has responsibility of his mother, wife and two minor children; that family of the petitioner is facing hardship in arranging school fees and other education expenses of the children; that elder brother of the petitioner is physically challenged whereas younger brother is married and living separately; that two co-accused have already been granted regular bail whereas two co-accused persons have been released on interim bail.

4. Per contra, learned APP for the State vehemently opposed the present application and argued that the petitioner played key and active role in the alleged crime.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner has sought interim bail for three months for carrying out repair of his dilapidated house. Verification report has been submitted by the State as per which applicant has a joint family consisting of his wife, two minor children aged about 10 years and 6 years, elder brother aged about 45 years, younger brother aged about 31 years and his wife. Brothers of the applicant as well as his wife are earning members of the family. Moreso, the present case involves robbery of about Rs.1.40 Crores at gun point and it is BAIL APPLN. 2317/2017 Page 2 of 3 alleged against the applicant that he hatched the entire conspiracy with other accused persons and received his share of Rs.38 Lac from the booty and Rs.15 Lac robbed cash was recovered at his instance.

7. Keeping in view the facts and circumstances of the present case, gravity of offence and the role assigned to the applicant, I am not inclined to grant interim

bail to the applicant. Accordingly, the application is dismissed. Before parting with the aforesaid order, it is made clear that anything observed above shall not have any bearing on the merits of the case during trial.

8. 9. SANGITA DHINGRA SEHGAL, J.

DECEMBER06 2017 gr BAIL APPLN. 2317/2017 Page 3 of 3

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com