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Kamruddin Sheikh @ Sameer vs.state

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SooperKanoon Citation : sooperkanoon.com/1222281

Court : Delhi

Decided On : Mar-28-2019

Appellant : Kamruddin Sheikh @ Sameer

Respondent : State

Judgement :

$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

28. 03.2019 BAIL APPLN. 171/2019 KAMRUDDIN SHEIKH @ SAMEER versus STATE .....

... Petitioner
..... Respondent Advocates who appeared in this case: For the

... Petitioner
: Mr. Kanhaiya Singhal, Ms. Shilpa Goel and Ms. Heena, Advs. For the Respondent: Ms.Meenankshi Dahiya, Addl. PP for the State with SI Neeraj Kumar CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.334/2017 under Sections 457/380/120-B/34 of the IPC, Police Station Prasad Nagar.

2. The allegations in the FIR are that a factory, where gold jewellery was manufactured, was broken into on the intervening night of 19.10.2017 and 20.10.2017 and the theft was discovered on the following morning at about 11.00 AM.

3. As per the prosecution, CCTV footage and finger prints lifted from the spot led to discovery of involvement of two of the co- BAIL APPLN.171/2019 Page 1 of 3 accused.

4. As per the status report, the material against the petitioner is that he was using the mobile phone of his father-in-law. As per the status report the mobile phone of the petitioner was switched off during the time of the incident i.e. intervening night of 19.10.2017 and 20.10.2017 and the location of the mobile phone being used by the petitioner during the day of 19.10.2017 was close to the incident site. Status report indicates that petitioner was in touch with the co-accused who is seen in the CCTV footage as also with the co-accused whose finger prints were recovered from the spot. The petitioner is also alleged to be residing with one of the co-accused. It is alleged that the petitioner is mastermind behind the whole crime.

5. Leaned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the only material against the petitioner is circumstantial and despite the incarceration of the petitioner for over one year, no incriminating evidence connecting the petitioner to the subject offence has been found. He submits that the petitioner is a young boy of 27 - 28 years of age and has been in custody since 20.10.2017.

6. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case and the fact that the petitioner has been in custody since 20.10.2017 and investigation is complete, charge sheet has already been filed and trial BAIL APPLN.171/2019 Page 2 of 3 is likely to take substantial time, I am satisfied that the petitioner has made out a case for grant of regular bail.

7. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner
shall not do anything which may prejudice either the trial or prosecution witnesses.

8. 9. Petition is accordingly allowed in the above terms. Order Dasti under the signatures of the Court Master. SANJEEV SACHDEVA, J MARCH28 2019 rs BAIL APPLN.171/2019 Page 3 of 3

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