

Devender Singh @ Roxy Vs. State (Nct of Delhi)

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Court : Delhi

Decided On : May-31-2013

Judge : R.V. Easwar

Appellant : Devender Singh @ Roxy

Respondent : State (Nct of Delhi)

Advocate for Def. : Ms. Jasbir Kaur

Advocate for Pet/Ap. : Mr. O.N. Sharma, Mr. Sanjay Kumar

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Reserved on:

29. h May, 2013 Date of Decision:

31. t May, 2013 % + BAIL APPLN. 668/2013 DEVENDER SINGH @ ROXY
Petitioner Through: Mr. O.N. Sharma and Mr. Sanjay Kumar, Advocates. versus
STATE (NCT OF DELHI) Through: Respondent Ms. Jasbir Kaur, APP along
with SI Rajesh Kumar Singh, P.S. Naraina. CORAM: MR. JUSTICE R.V.
EASWAR JUDGMENT R.V. EASWAR, J.:

1. This is an application for anticipatory bail filed under section 438 of the Cr.P.C.
by Devender Singh @ Roxy in case FIR No.72/2013 registered in P.S. Naraina
under section 379/ 411/ 201/ 34 of the IPC.

2. According to the prosecution, an FIR was registered at the instance of one Ravinder Singh who complained that his Maruti Van bearing not DL-2CAF-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.

3. 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.

4. 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.

5. In these circumstances, the anticipatory bail is granted subject to the applicant executing a personal bond in the amount of `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. (R.V. EASWAR) JUDGE MAY 31.2013 hs

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