

Bail Matter
State Vs. Petu Sheikh
FIR No. 13/2021
U/s 395/397/412 IPC &
25/27 Arms Act
PS Prem Nagar

06.10.2023

Present: Sh. K.D. Pachauri, Ld. Addl. PP for the State.
Sh. P.K. Singh, ld. Counsel for applicant/accused.

1. *This is an application under Section 439 Cr.P.C. for grant of regular bail, moved on behalf of applicant/accused Petu Sheikh.*

2. Reply to application already received from IO.

3. Brief facts of the present case are that present FIR is registered on the statement of complainant Vinay Shukla who was a security guard at HD-7, Reliance Jewellery Store. He alleged that on 14.01.2021 when he was on his duty at Reliance Jewellery store, at about 04:00 am around 6-7 persons, armed with desi katta, knie and iron rod, came in gery colour colour and threatened the complainant. Thereafter, they broke the shutter and glass door of jewellery store with the help of iron rod and barged into the showroom and looted approximately 3.5 kg gold jewellery and ran away from the spot.

4. Role attributed to applicant/accused is that he alongwith co-accused Shankar broke the main shutter of the showroom with

the help of iron rod, which was recorded in CCTV footage. Car used in the commission of crime was also found to be stolen by applicant/accused alongwith his accomplice. One buttondar knife alongwith 1 kg 800 grams of gold jewellery was recovered from applicant/accused.

5. It is submitted by ld. Counsel for applicant/accused that applicant/accused is a young boy of 30 years and has nothing to do with the alleged offence. It is further submitted that investigation qua applicant/accused has already been framed and charge has already been framed. Applicant/accused is in JC since 16.01.2021. It is further submitted that co-accused has already been granted bail. It is further submitted that applicant is sole bread earner for his family.

6. Per contra ld. Addl. PP has opposed the bail application. It is submitted that allegations are very serious and there is around 10 previous involvements of applicant. It is further submitted that applicant refused to participate in TIP but he was correctly identified by complainant during PC remand of applicant. It is further submitted that 1 kg 800 grams of gold was recovered from the applicant/accused. It is further submitted that applicant/accused was apprehended from train in Hazari Bagh by RPF when applicant, after committing the offence, was going to West Bengal and therefore, there is grave apprehension that applicant/accused may jump the bail, if released on bail. It is further submitted that complainant is yet to be examined in this case, therefore, bail should not be granted to applicant at least till

examination of complainant.

7. First bail application of applicant was dismissed on 18.01.2023 after that only charges have been settled against accused persons. Complainant is yet to be examined. Co-accused who are on bail in this case are only those against whom there is charge of Section 412 IPC only. Applicant/accused alongwith co-accused committed the dacoity in the early hours and after 1 kg 800 grams of gold articles were recovered from applicant when he was fleeing to West Bengal with the alleged recovered case property, after commission of crime.

8. Considering the totality of facts and circumstances and also for the fact that complainant is yet to be examined as well as previous involvements of applicant, I am not of the view to grant bail to applicant/accused. Hence, dismissed.

VIKRAM
ASJ-II/SPECIAL JUDGE NDPS/
NORTH-WEST/ROHINI COURTS/
DELHI/06.10.2023