



2025:DHC:6626



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 08.08.2025+ **BAIL APPLN. 1755/2025**

DIVESH

.....Petitioner

Through: Mr. Avinash Singh and Mr. Amit
Bhardwaj, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Shakti, PS Daryaganj and SI
Mahaveer, PS DBG Road**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No.585/2023 of PS Darya Ganj for offence under Section 392/397/395/412/182/211/212/109/120B/34 IPC and Section 25/27/54 of Arms Act. Broadly speaking, according to prosecution, the accused/applicant was involved in a dacoity in which a sum of Rs.90,00,000/- was looted. The alleged dacoity was carried out on the basis of information provided by an employee of the complainant *de facto*. Further, according to prosecution, the alleged incident was captured in CCTV.



2. Learned counsel for accused/applicant submits that the accused/applicant is not depicted in the CCTV and the complainant *de facto* in his testimony as PW1 did not support the prosecution case. Further, learned counsel for accused/applicant also claims parity with co-accused Asif Khan who was granted bail by this Court vide order dated 27.03.2025.

3. Learned APP in all fairness does not deny that the accused/applicant is not depicted in the CCTV footage, but submits that the accused/applicant is named by the complainant *de facto* as one of the assailants. As regards Asif Khan, it is contended by learned prosecutor that his role was completely different in the sense that he did not participate in the actual act of dacoity. However, on being pointed out paragraph 5 of the order dated 27.03.2025 (*whereby Asif Khan was granted bail*), learned APP does not challenge the claim of parity to that extent.

4. So far as the accused/applicant having been named as one of the assailants, as mentioned above the complainant *de facto* in his testimony as PW1 did not support prosecution.

5. As regards the claim of parity, no doubt, role ascribed to Asif Khan is quite different from the role ascribed to the present accused/applicant. But the parity in this case would be in view of the legality and manner of arrests of the accused persons as described in paragraph 5 of the order dated 27.03.2025 of this Court while granting bail to Asif Khan.



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6. The accused/applicant is in jail since 19.12.2023.

7. Considering the overall circumstances, the bail application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.

8. Copy of this order be sent to the concerned Jail Superintendent for being conveyed to the accused/applicant immediately.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 8, 2025/as