



2026:DHC:1628



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

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Date of Decision: 24.02.2026

+ **BAIL APPLN. 2287/2024**

ANIL KUMAR

.....Petitioner

Through: Mr. Lokesh Kumar Mishra, Mr. Haider Khan and Mr. Devansh Sehgal, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State with IO/SI
Mr. Sanjiv Kumar, Advocate for complainant with complainant in person.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 401/2024 of PS Sadar Bazar, Delhi for offence under Section 381 IPC.
2. This anticipatory bail application got listed before the predecessor bench for the first time on 05.07.2024 and on the same day, the predecessor bench granted interim protection from arrest. Thereafter, the application



remained pending before different benches and has been assigned to this bench as a part of 179 old pending bail applications. Today being the first date before me, I have heard learned counsel for accused/applicant and learned APP assisted by IO/SI Prashant Sharma. I have also heard learned counsel for complainant *de facto*.

3. Broadly speaking, allegation against the accused/applicant is that while employed in the shop of complainant *de facto*, he stole away bundles of handkerchiefs from his godown and sold away the same to other shopkeepers. In this process, the accused/applicant was assisted by other employees namely Rajeev Kumar, Hemraj and Rajan.

4. Learned counsel for accused/applicant submits that investigation as regards the accused/applicant is complete though the investigation regarding others is pending. It is also submitted that accused/applicant has been falsely implicated in this case. Further, it is submitted by learned counsel for accused/applicant that the remaining persons namely Rajeev Kumar and Hemraj continue to work with the complainant *de facto*. None of the remaining accused persons has been arrested as per learned counsel of accused/applicant.

5. On the other hand, learned APP for State submits that it is a case of a serious offence, so grant of anticipatory bail would not be proper. However, in response to a specific query, the IO submits that he has not investigated if



it is a fabricated case to cover tax evasion or a trademark dispute because the subject handkerchiefs were being sold under the brand name 'Nokia'.

6. Learned counsel for complainant *de facto* submits that the accused/applicant and his associates have been stealing and selling Nokia handkerchiefs to the other shops for past long time, thereby causing loss. Learned counsel for complainant *de facto* has also shown four photographs to me, which according to him would reflect sale of the Nokia handkerchiefs to other shopkeepers.

7. To begin with, it has been repeatedly pointed out by way of various judicial pronouncements that investigation should be a process to reach the criminal from the crime and not just collecting material to somehow connect the proposed criminal with the crime. As mentioned above, the entire exercise of investigation in this case spans to unearth evidence showing that the accused/applicant stole Nokia handkerchiefs and sold the same to neighbouring shopkeepers; no investigation at all was carried out by the investigator to ascertain if it is a case of trademark dispute in view of use of the well celebrated trademark Nokia or if it is a case of tax evasion.

8. It would also be interesting to note that according to status report, the IO needs custodial investigation in order to recover the allegedly stolen handkerchiefs and to apprehend the co-accused Rajan. To say the least, these do not form part of reasonable requirement of custodial investigation. It is



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not the job of the investigating authorities to recover the stolen handkerchiefs.

9. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty.

10. The application is allowed and it is directed that in the event of his arrest, the accused/applicant shall 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 IO/SHO concerned. The accused/applicant shall join investigation as and when directed in writing by the IO.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 24, 2026/ry