



2025:DHC:7755



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

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Date of Decision : 03.09.2025

+ **BAIL APPLN. 2571/2025**

VINKAL GIRISH SHAH

..... Petitioner

Through: Mr. Raghav Parwatiyar, Ms. Shika Walia, Mr. Heemanshu Singh and Mr. Ashesh Lal, Advocates.

versus

STATE (N.C.T. OF DELHI)

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for State with Harender Singh and Ms. Sandhya Sisodia, Advocates.

+ **BAIL APPLN. 3120/2025**

IFTEKHAR AZAM @ BABLU

.....Petitioner

Through: Mr. Raghav Parwatiyar, Ms. Shika Walia, Mr. Heemanshu Singh and Mr. Ashesh Lal, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for State with Harender Singh and Ms. Sandhya Sisodia, Advocates.



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CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J (Oral)

1. By way of these applications, the applicants are seeking regular bail in case arising out of FIR bearing no. 295/2025, registered at Police Station Kotwali, Delhi for the commission of offences punishable under Sections 318(4)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 [hereafter '*BNS*'].

2. The present case arises out of a complaint lodged by Sh. Sarthak Bansal, proprietor of Sarthak Jewells, Karol Bagh, Delhi, who alleged that on 26.03.2025, one Kabir Shah, an employee of the complainant, had received a WhatsApp call from a person identifying himself as 'Mahesh', claiming to be the owner of Balaji Jewellers at Dariba Kalan, Chandni Chowk. Mahesh had assured Kabir of purchasing jewellery in bulk and had promised prompt payment. The same day, around 4:40 PM, an individual had visited the complainant's shop on Mahesh's behalf, selected 280 grams of jewellery, and, as per Mahesh's telephonic instructions, exchanged 150 grams of gold metal for 150 grams of jewellery ornaments, which the complainant had handed over. It is alleged that on 27.03.2025, the same individual had again visited the shop and asked the complainant's father to send 1-1.5 kg of jewellery to Dariba Kalan for an upcoming party, handing over ₹4,00,000 in cash. On 28.03.2025, the complainant had accordingly sent three employees



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i.e. Ankush, Ravi, and Kabir @ Rajesh with jewellery weighing about 2.5 kg to Mahesh's shop. At the shop, two persons, including the same man who had earlier visited the complainant's store, were present. While pretending to show the jewellery to a prospective buyer behind a partition, they had allegedly taken the ornaments to the other side, prevented the employees from entering, and after some arguments, one of the accused had snatched the bag of jewellery from Kabir @ Rajesh and pushed him aside, while the others had thrown chairs at the remaining employees. The accused persons had then fled after locking the shop gates. The employees of the complainant had raised an alarm, and a passerby had thereafter opened the door. On the basis of these allegations, the present FIR was registered for offence under Sections 318(4)/316(2)/3(5) of BNS. After recording statements of the employees under Section 180 of BNSS, Section 309(4) of BNS was also invoked.

3. As per Status Report, during investigation, CCTV footage near the place of incident revealed three persons, including one who had earlier visited the complainant's shop, carrying a bag outside the premises. The owner of the shop confirmed that the premises had been rented to one Mangukiya Mahesh Kumar Khimjibhai, resident of Bhavnagar, Gujarat. Further scrutiny of CCTV footage and the register of Hotel Suzi International, Paharganj, where the accused persons had stayed, led to the identification of one of the accused present at the shop as Iftekhar Azam @ Bablu, resident of Madhubani, Bihar (*the applicant in BAIL APPLN. 3120/2025*).



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4. Further as per Status Report, search operations were thereafter conducted at the addresses of the accused persons in Gujarat and Bihar, but they were not found. Subsequently, accused Iftekhar was arrested from Mumbai on 25.04.2025. It is the prosecution's case that during interrogation, he disclosed that he, along with co-accused Mahesh and Vishnu, had taken the shop on rent at Dariba Kalan under the name Balaji Jewellers. Mahesh had visited the complainant's shop on 26.03.2025 and 27.03.2025 to place orders and lure the complainant into sending jewellery on 28.03.2025. Iftekhar further disclosed that the complainant's shop had been targeted at the instance of co-accused Gulshan and Pappu Praveen Jain. On 28.03.2025, when the complainant's employees had brought jewellery, Mahesh snatched the bag while Iftekhar and Vishnu had pushed the employees, thrown chairs, and fled after locking the shop. He further disclosed that in pursuance of a pre-planned conspiracy, he along with co-accused Mahesh, Vishnu, Vinkal Girish Shah (*the applicant in BAIL APPLN. 2571/2025*), Gulshan, and Pappu Praveen Jain executed the offence, and thereafter about 1 kg of gold ornaments was handed over to Pappu Jain and Vinkal Girish Shah, and 1.5 kg to Gulshan.

5. The learned counsel appearing for the applicant Vinkal Girish Shah argues that pursuant to registration of the FIR, the investigation was initiated and on 25.04.2025 the applicant was arrested from Mumbai, Maharashtra, without any prior notice, and brought to Delhi. It is submitted that the applicant has been falsely implicated



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and there is no material to suggest his involvement in the alleged offence. He is not known to the complainant, his father, employees, or any other person connected with the incident, nor is he acquainted with those named in the FIR. As regards recovery, it is contended that the alleged recovery of about 450 grams of gold ornaments was not effected from the applicant, but only shown to be recovered at his instance, which by itself does not establish complicity in the commission of offence. It is argued that the applicant has been in judicial custody for over 04 months, and since the investigation stands concluded and chargesheet filed, no useful purpose would be served by further detention. It is therefore prayed that he be released on bail.

6. In respect of applicant Iftexhar Azam, the learned counsel argues that he too was arrested on 25.04.2025 from Mumbai and brought to Delhi without prior notice. It is submitted that the applicant has no role in the alleged offence and is neither known to the complainant or his staff, nor has he ever induced them to part with jewellery. The FIR, which contains detailed allegations against specific individuals, does not name the applicant at all, nor is any role attributed to him therein. The alleged theory of conspiracy and common intention against him, introduced at the stage of filing the chargesheet, is claimed to be a fabricated attempt to improve upon the FIR. It is contended that no recovery has been made from him, the investigation is complete, and chargesheet has already been filed. It is therefore prayed that he be released on bail.



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7. On the other hand, the learned APP appearing for the State opposes both the bail applications and argues that the Call Detail Records (CDR) analysis clearly establishes that both applicants were in continuous touch with other co-accused and present in Delhi during the period of the offence. It is further argued that applicant Iftekhar has been duly identified in Test Identification Parade (TIP) by the complainant's employees, while at the instance of applicant Vinkal, recovery of part of the cheated jewellery has been effected. The learned APP also submits that several co-accused are still absconding and substantial case property is yet to be recovered. Moreover, both applicants have criminal antecedents, with applicant Vinkal involved in multiple cases of similar modus operandi across different States and applicant Iftekhar also previously involved in one such case. Thus, considering the gravity of allegations and the nature of evidence, it is argued that no case for grant of bail is made out.

8. This Court has **heard** arguments addressed by the learned counsel for the applicant and learned APP for the State, and has perused the material on record.

9. The allegations against the accused persons in the present case are that, by creating a false front of running a jewellery shop under the name Balaji Jewellers at Dariba Kalan, Chandni Chowk, they had induced the complainant to part with a large quantity of jewellery. On 28.03.2025, when the complainant's employees had visited the said shop with jewellery ornaments weighing about 2.5 kg, the accused persons, acting in concert, had deceitfully took possession of the



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ornaments on the pretext of showing them to a prospective buyer, and had thereafter snatched the bag of jewellery, used force against the employees by pushing and throwing chairs at them, locked the shop, and had fled with the jewellery.

10. Insofar as the present applicants are concerned, the investigation has disclosed that applicant Iftexhar Azam @ Bablu was captured in CCTV footage near the place of incident, and further, the CCTV footage and hotel records of Suzi International, Paharganj, establish that he was staying in Delhi along with co-accused Mahesh Khimjibhai during the relevant period. His CDRs also place him in constant touch with other co-accused persons. Notably, a TIP was conducted during investigation, in which he was successfully identified by the complainant's employees as one of the assailants present in the shop at the time of incident.

11. As regards applicant Vinkal Girish Shah, the investigation has revealed through CDR analysis that he was in Delhi from 12.03.2025 till the date of incident, remained in regular contact with the other co-accused, and left Delhi along with them immediately after the occurrence. His phone location on 28.03.2025 also places him in Karol Bagh at the relevant time. Further, during his police custody remand, recovery of 450 grams of melted gold ornaments was effected at his instance, from his acquaintance to whom he had sold the same.

12. The aforementioned circumstances and material, taken together, *prima facie* indicate active involvement of both applicants in the



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commission of the offence in question. The record further reflects that applicant Vinkal Girish Shah has as many as 07 previous involvements in cases of similar nature i.e. pertaining to offences of cheating, criminal breach of trust, etc. in different States. For the applicant Iftekhar Azam, it is reported that he is involved in 01 more case of similar nature in which the co-accused is Vinkal Girish Shah.

13. Considering the overall facts and circumstances of the case, the modus operandi adopted by the accused persons, the recoveries made at the instance of the applicants, the CDR analysis showing their active connectivity with co-accused persons, the successful identification of applicant Iftekhar Azam in TIP, their previous involvements in cases of similar nature, and the fact that charges are yet to be framed and material witnesses are yet to be examined, this Court is not inclined to grant regular bail to the applicants at this stage.

14. The bail applications are accordingly dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 03, 2025/ns

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