

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

Date of Decision: February 09, 2015

+ (i) CRL.M.C. 479/2015

STATE (GOVT OF NCT OF DELHI) Petitioner

**Through: Mr. M.N. Dudeja, Additional
Public Prosecutor for State**

versus

VINOD KUMAR Respondent

Through: Nemo

+ (ii) CRL.M.C. 482/2015

STATE (GOVT OF NCT OF DELHI) Petitioner

**Through: Mr. M.N. Dudeja, Additional
Public Prosecutor for State**

versus

RADHEY @ RAJ DEV Respondent

Through: Nemo

+ (iii) CRL.M.C. 484/2015

STATE (GOVT OF NCT OF DELHI) Petitioner

**Through: Mr. M.N. Dudeja, Additional
Public Prosecutor for State**

versus

GYANENDER SINGH Respondent

Through: Nemo

+ (iv) CRL.M.C. 492/2015

STATE (GOVT OF NCT OF DELHI) Petitioner

Through: Mr. M.N. Dudeja, Additional
Public Prosecutor for State

versus

KAMAL

..... Respondent

Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
ORAL

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In the above-captioned four petitions, cancellation of bail granted to respondent-accused in FIR No.539/2014 under Section 365/342/323/506/34 IPC registered at Police Station Burari, Delhi is sought on identical grounds, so these petitions were heard together and are being disposed of by this common order.

Mr. M.N.Dudeja, Additional Public Prosecutor for petitioner-State submits that offence committed by respondents-accused infact comes within the ambit of Section 364A IPC, which is a serious offence and so, grant of bail to respondents-accused after they have remained in custody for few weeks is not justified. During the course of hearing, attention of this Court was drawn to the FIR of this case, to highlight gravity of offence committed by respondents-accused.

Upon hearing and on perusal of impugned order, FIR of this case and material on record, I find that it is not the case of petitioner-State that antecedents of respondents-accused are not good. Attention of this Court was not drawn to the status report filed by petitioner-State before the

Sessions Court. On a bare perusal of FIR of this case, it cannot be said that the offence committed comes within the ambit of Section 364A IPC. During the course of investigation, if any material comes on record to justify adding of Section 364A IPC, then respondents-accused shall not have the benefit of impugned order.

These petitions are dismissed while refraining to comment upon merits of this case.

With aforesaid directions, these petitions are disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 09, 2015

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