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

+ **BAIL APPLN. 1266/2015**

SHARADH KOCHHAR Petitioner
Through: **Mr.Ashwin Vaish, Advocate.**

versus

CBI THROUGH SHRI SURESH KUMAR Respondent
Through: **Ms.Sonia Mathur, Ms.Megha
Rohtagi, Advocates.
Mr.Suresh Kumar, IO.**

**CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

ORDER

% **30.06.2015**

Crl.M.A No.9148/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1266/2015

Heard the counsel for the petitioner as also the counsel for the CBI.

The petitioner seeks pre-arrest bail in a CBI case on the ground that his involvement in the case is only on the basis of disclosure made by one of the accused persons who incidentally is the main accused in the case.

One Nitin Arora has been arrested in connection with a case instituted by the CBI for defrauding SBBJ Bank of several lakhs of rupees. He is alleged to have obtained loans from the banks by

submitting forged certificates. Aforesaid Nitin Arora is also accused in a case registered under Section 376 of the IPC. After his arrest on 10.6.2015, he made a disclosure statement before the police stating about the petitioner according help to him in his mis-deeds. This gave an apprehension in the mind of the petitioner of his arrest in the case. This led the petitioner to file an anticipatory bail application before the Court below.

The Court below vide order dated 18.6.2015, after noting the submissions made by the learned counsel appearing for the CBI that the petitioner was only required to clarify certain facts and that he had not been made accused so far, the Court observed that there was no genuine apprehension of the arrest of the petitioner. The privilege of the anticipatory bail, therefore, was declined.

In para 1 of the petition it has been stated that after the rejection of the prayer for anticipatory bail, a notice was received by the petitioner under Section 160 of the Code of Criminal Procedure, asking him to join the investigations on 24.6.2015. The petitioner could not join the investigation for the fear of being arrested

Instead of approaching the Court below again under the changed circumstances, the petitioner in his wisdom, approached this Court under the provisions of Section 438 of the Code of Criminal Procedure. The changed circumstances namely the issuance of notice under Section 160 of the Code of Criminal Procedure requires the petitioner to prefer an application for anticipatory bail afresh before the Court below.

On filing of such petition within two weeks of this order, the

Court below would dispose it of and pass necessary orders without being prejudiced by the fact that this Court did not entertain the application.

Needless to say that the petitioner is expected to join investigation so that the investigation is completed expeditiously and the criminal case is brought to its logical end.

Till the time the fresh application of the petitioner for grant of anticipatory bail is disposed of by the Court below, no coercive steps shall be taken against the petitioner. This privilege is subject to the petitioner joining the investigation and helping the CBI in coming to the final conclusion in the case.

The counsel for the CBI informs the Court that the petitioner has been summoned in the office of the CBI tomorrow i.e. 1.7.2015 at 11 A.M. The petitioner is expected to join the investigations tomorrow.

Application is allowed.

A copy of this order be given Dasti under the signatures of Court Master to counsel for both the parties.

ASHUTOSH KUMAR, J

JUNE 30, 2015

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