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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2014/2015**
DEEPAK

..... Petitioner

Through: Mr.Kameshwer Mishra, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Alpana Pandey, APP for the State
SI Pardeep Kumar, PS Bhalswa Dairy

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **23.09.2015**

Crl.M.A.14034/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2014/2015

The petitioner seeks bail in FIR No.76/2014 (PS Bhalswa Dairy) for offence under Sections 420, 406 and 120B of the IPC.

It has been submitted on behalf of the petitioner that earlier he was granted bail by the court below subject to the condition that he would pay the complainant/respondent the amount agreed upon between the parties.

Such promise was not kept. Later, a Memorandum of Understanding was entered into between the parties where the petitioner was required to pay money to the complainant in instalments.

Since the petitioner could not keep up that promise, also, the court

below cancelled his bail by order dated 11.8.2015.

It has been submitted that thereafter the petitioner surrendered on 19.8.2015 and since then he is in custody.

During this period, the petitioner has again entered into an agreement with the complainant whereby the complainant has agreed to accept the amount which is due to him within a period of six months to one year i.e. before 9.8.2016, either in instalment or in one go.

However, despite such understanding with the complainant, the court below did not accord the privilege of bail to the petitioner.

Considering the fact that the petitioner has remained in custody for some time for breach of promise made with respondent and has entered into an agreement to pay the amount within a period of one year, which has been accepted by the complainant, this court is inclined to release the petitioner on bail.

Let it be noted that in case the petitioner does not fulfil the promise which he has made this time, it would be open for the complainant to seek his cancellation of bail.

The petitioner is directed to be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of like amount to the satisfaction of the Trial Court.

With these observations, the petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 23, 2015

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