

\$~75

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

+ **CRL.M.C. 366/2016**

VIPIN KOHLI

..... Petitioner

Through Mr.Puneet Kaushik, Adv.

versus

KAPIS IMPEX PVT LTD & ANR

..... Respondent

Through Mr.S.K. Sharma, Adv. for R-1.
Mr.Amit Chadha, APP for the State.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

29.01.2016

Crl.M.A. 1556/2016 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 366/2016

The petitioner has filed the present petition against order dated 16.05.2015, passed by the learned Special Judge (P.C. Act) vide which the petitioner was granted anticipatory bail in FIR No.0391/2014, under Sections 420/408/120-B IPC, Police Station Preet Vihar.

The grievance of the petitioner is that the parties were directed to deposit the entire amount in the shape of FDR before the Court of

Metropolitan Magistrate within 15 days and the FDR must be for the minimum period of 3 years. The FDR was ordered to have automatic renewal facility or clause.

Counsel for the petitioner has submitted that the direction to the petitioner to deposit the FDR be quashed. He has further submitted that the order was passed on the offer made by the parties.

I have heard the learned counsel for the parties.

I have gone through the judgment passed by the Hon'ble Supreme Court in the case of ***Biman Chatterjee v. Sanchita Chatterjee and another (2004) 3 SCC 388.***

Apparently, the anticipatory bail was granted on 16.05.2015 and the FDR was to be deposited within 15 days. The petitioner has been availing the concession of anticipatory bail on the offer made and the condition imposed.

Consequently, on the request of the counsel for the petitioner, the order dated 16.05.2015 is set aside and the application for the grant of anticipatory bail shall be decided by the learned Additional Sessions Judge within 15 days. It is made clear that as per the judgment in the case of ***Biman Chatterjee*** (supra) entering into

compromise or making of the payment may not be a ground for the grant of bail and it should be independently decided whether an accused is entitled for bail or not. The petitioner would file an application within one week before the concerned Additional Sessions Judge with the copy of this order.

The present petition is disposed of accordingly.

Dasti to the counsel for the petitioner as the order of the anticipatory bail has already come to an end. The arrest of the petitioner shall not be taken effect for 15 days when the order of the learned Additional Sessions Judge is to be passed on the application.

P.S.TEJI, J

JANUARY 29, 2016
dd