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

Date of decision: 02.02.2016

+ BAIL APPLN. 204/2016 and Crl. MA No. 1499/2016 (Exemption)

ROMESH SAHU @ ROMESH VISHWANATH Applicant
Through Mr. R.K. Tarun, Advocate

versus

STATE OF NCT OF DELHI Respondent
Through Mr. Ravi Nayak, APP for the State
SI A.K. Singh, P.S. EOW

**CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

SIDDHARTH MRIDUL, J (ORAL)

1. The present is an application under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Section 482 Cr.P.C. seeking regular bail in FIR No. 114/2009 under Sections 406/420/120B IPC registered at Police Station- Economic Offences Wing, Delhi.
2. Issue notice.
3. Mr. Ravi Nayak, learned APP accepts notice on behalf of the official respondent.

4. At the outset, it is noticed that the applicant has been in judicial custody since 17th February, 2015 and that the charge-sheet in the subject FIR has been filed. However, the charges are yet to be framed against the applicant herein.

5. Learned counsel appearing on behalf of the applicant has invited my attention to the order dated 18th April, 2015 passed by the learned Additional Sessions Judge, Patiala House Courts, New Delhi in ***Bail Application No. 1509/2015*** titled ***State vs. Debashish Biswal*** relating to the subject FIR whereby Debashish Biswal, the co-accused of the applicant herein has been enlarged on bail.

6. A perusal of the said order dated 18th April, 2015 reveals that the liability of the said co-accused Debashish Biswal is stated to be in the sum of Rs. 6,32,000/- out of which the latter has already paid a sum of Rs. 3 lakhs and has undertaken to clear the balance liability of RS. 3,32,000/- lakhs within two months from the date of his release.

7. In view of the foregoing, it is urged on behalf of the applicant that he is entitled to parity since he is also willing to deposit the amount purportedly embezzled by him, if granted time and the facility of deferred payment.

8. Learned counsel appearing on behalf of the applicant states that in order to establish his bona fides, the applicant is willing to pay a sum of Rs. 1 lakh to the complainant in the subject FIR within a period of two days from today. The undertaking made on behalf of the applicant is hereby accepted.

9. At this juncture, learned counsel appearing on behalf of the applicant seeks leave to withdraw the present bail application with liberty to approach the trial Court in this behalf.

10. Leave and liberty granted.

11. In view of the foregoing, the present bail application is disposed of with a direction to the Trial Court to consider an application for regular bail, if filed, afresh in the light of what has been urged on behalf of the applicant without being influenced by any observations made by this Court on the prior occasion as contained in the order dated 18th September, 2015 in Bail Application No. 1881/2015.

12. The present bail application is dismissed as withdrawn and disposed of accordingly. Pending application also stands disposed of.

13. Copy of this order be given *dasti* under signature of the Court Master.

SIDDHARTH MRIDUL, J

FEBRUARY 02, 2016

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