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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 525/2016

GULSHAN KUMAR

..... Petitioner

Represented by: Mr.G.P. Thareja & Mr.Satyam
Thareja, Advs.

versus

STATE

..... Respondent

Represented by: Mr.Ashish Dutta, APP for the
State with SI Shri Gopal, PS
Shakarpur, Delhi.
Mr.Sanjeev Kumar,
Mr.Mukesh Kaushik, &
Ms.Archna Gupta, Advs for
complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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08.02.2016

Crl.M.A. No.2176/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. 525/2016

1. Vide the present petition under Section 482 of the Cr P C, petitioner seeks direction thereby setting aside the condition to deposit an amount of Rs.20,00,000/- before learned Court concerned while granting anticipatory bail vide order dated 21.01.2016 in bail application No.1446/2016 in case FIR No.2981/2015 registered at police station Shakarpur, Delhi.

2. Learned counsel appearing on behalf of petitioner submits that while granting the bail, the Court has no powers to direct the accused to deposit money, thus, said order is illegal and not sustainable in law. To strengthen his arguments, learned counsel has relied upon the case of ***Glaskasden Grace & Ors v. Inspector of Police & Anr: IV (2009) SLT 245.***

3. On perusal of the order dated 21.01.2016, the father of petitioner came forward and shows his bonafide without prejudice to rights and contentions and stated before the Court that he was ready to deposit Rs.20,00,000/- with the Court. Accordingly, learned Additional Sessions Judge directed the petitioner, while granting anticipatory bail, to deposit an amount of Rs.20,00,000/-.

4. It is not disputed that thereafter the petitioner moved an application before learned Court concerned seeking extension of time to deposit the aforementioned amount, which has been dismissed vide order dated 06.02.2016.

5. It is not the case of petitioner that learned Additional Sessions Judge had imposed any condition while granting anticipatory bail to petitioner. It the father of petitioner, who was personally present in the Court, came forward to deposit the aforementioned amount.

6. In view of above facts of the case, the decision of the Supreme Court rendered in ***Glaskasden Grace(supra)*** has no relevance under

the facts and circumstances of the case.

7. Finding no merits, instant petition is hereby rejected.

8. At this stage, learned counsel for petitioner under instructions, seeks extension of time to deposit the aforementioned amount within three weeks.

9. Liberty is granted, as prayed for subject to deposit a cost of Rs.25,000/- within two weeks with **Delhi Police Martyrs Fund** under intimation to the Investigating Officer/SHO concerned.

10. Order *dasti*.

Crl.M.A.No.2175/2016 (Stay)

Dismissed as infructuous.

SURESH KAIT, J

FEBRUARY 08, 2016

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