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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 641/2016 & Crl.M.A.Nos.2648-2649/2016**

VARUN GOYAL Petitioner

Through Mr.M.K. Sharma and Mr.Abhinav
Sharma, Advs.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Ms.Manjeet Arya, APP with SI
Nitesh Sharma, PS Saket.
Mr.L.K. Verma, Adv. for the
complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **19.02.2016**

Crl.M.A. 2649/2016 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 641/2016 & Crl.M.A. 2648/2016 (Stay)

Feeling aggrieved by the order dated 10.02.2016 passed by the learned Additional Sessions Judge, South District, New Delhi, the present petition has been filed by the petitioner.

I have heard the arguments advanced by the learned counsel for the petitioner, learned APP for the State as well as learned counsel for the complainant.

Argument advanced by the counsel for the petitioner is that the

condition attached to the grant of bail may be removed and the bail order be permitted to remain in operation. He has referred to a judgment of Hon'ble Apex Court in the case of ***Sumit Mehta v. State of NCT of Delhi*** (SLP No.2/2013 decided on 13.09.2013).

I have gone through the judgment relied upon by the counsel for the petitioner.

Perusal of order dated 10.02.2016 shows that the bail application of the petitioner was already dismissed on 09.12.2015 on account of non-recovery of dowry articles. The position remained same for two months and thereafter bail application came up for hearing before the Court below and in the facts and circumstances, learned Trial Judge allowed the bail application, subject to deposit of Rs.25,00,000/- with the Trial Court in the shape of FDR. The petitioner was admitted to bail on a personal bond and surety bond of Rs.50,000/-. Bail bonds were furnished and the petitioner was released, but when the turn of the petitioner came to furnishing the FDR, the present quashing petition was filed by the petitioner.

In the facts and circumstances mentioned above, this Court is of the considered opinion that the condition imposed by the Court below

i.e. to deposit the FDR in the sum of Rs.25,00,000/- was the condition for granting bail. The petitioner was in a hurry to furnish the bail bond but not to comply with the condition imposed by the Court below. This situation cannot be appreciated that when two conditions are part of the same order and one condition has been complied with and so far the other condition is concerned, the same has been challenged by way of present petition. For the sake of arguments even if the petitioner wish to challenge the condition, he could challenge the same before furnishing the bail bonds to the effect whether the conditions imposed were sustainable in the eye of law. The petitioner availed the benefit of bail and got himself released and then backed out from the other condition of granting bail.

In such circumstances, this practice cannot be appreciated. I do not find any ground to interfere in the order passed by the learned Additional Sessions Judge.

The present petition as well as applications CrI.M.A.2648/2016 are disposed of accordingly.

Dasti.

P.S.TEJI, J

FEBRUARY 19, 2016/dd