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

+ BAIL APPLN. 682/2016

SUDESH KUMAR

..... Petitioner

Through : Mr. Akil Rataeeya, Adv.
versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through : Mr. Ravi Nayak, APP with Inspector
Sandeep Gupta, DIU/West.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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27.05.2016

The present application under Section 438 of the Code of Criminal Procedure, 1973 seeks pre-arrest bail on behalf of the applicant in FIR No.502/2014 under Sections 403/406/420/468/467/471/506/120B IPC registered at Police Station- Uttam Nagar.

It is an admitted position that complainant in the subject FIR is the brother of the applicant herein, and that the subject FIR has been registered on allegations levelled against the latter that he cheated the former during the course of acquisition and sale of immovable properties.

Mr. Nayak, learned APP appearing on behalf of police on instructions from the IO in the subject FIR, states that the applicant has joined investigation on 04.05.2016 and 11.05.2016 and is cooperating with the police. It is, therefore, stated on behalf of the police that custodial investigation of the applicant is neither necessary nor required.

In the present case, it is observed that the applicant has clean antecedents and, at this stage of investigation, there is neither any hint nor allegations that he shall tamper with the evidence or that he is a flight risk.

In view of the foregoing, the present application is allowed. In the event

of arrest, the applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Arresting Officer/Station House Incharge subject to the condition that he shall join investigation and cooperate with the police as and when required to do so, in accordance with law.

The police shall be at liberty to seek cancellation of the bail being granted to the applicant in the event, if the aforesaid condition for grant of bail is violated by the applicant.

The application is disposed of accordingly.

SIDDHARTH MRIDUL, J

MAY 27, 2016/dk