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

+ BAIL APPLN. 677/2016

RAHUL PURI

..... Petitioner

Through: Mr.Pawan Kumar Sharma, Mr.Rajeev
Sharma & Mr.Sikandar Khan, Advs.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State
Mr.Kunal Tandon, Ms.Kanika Jain &
Ms.Snigdha Sharma, Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

02.05.2016

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1. The petitioner is seeking anticipatory bail in case FIR No. 115/2014 registered under Sections 420/120-B IPC at PS EOW Cell.
2. The application seeking anticipatory bail is not maintainable for the reason that the petitioner had been released on bail in this case subject to certain conditions. The petitioner failed to comply with the conditions of the settlement subject to which he was granted interim bail by learned CMM(South) on 5th February, 2015.
3. Thereafter, on 17th March, 2016, the learned ASJ observed as under:-
“Perusal of the record revealed that accused was granted interim bail on the submission of Mr.Deviender Hora, the then learned counsel for the accused that accused will give an

undertaking before the Court on 6th November, 2015 regarding the payment. On 6th November, 2015, accused appeared in the Court and undertook to pay a sum of ₹ 1,36,60,000/- to the complainant on or before 31st January, 2016.

Time for payment was extended at the request of the accused upto 15th March, 2016. It is five months since accused was granted interim bail and accused has not fulfilled his undertaking given to the Court. It is clearly mentioned in the order dated 19th January, 2016 that if, entire payment is not made by accused by 15th March, 2016, interim bail of accused will automatically stood cancelled. Accordingly, interim bail of accused Rahul Puri stands cancelled."

4. Anticipatory bail is granted in anticipation of arrest. It is a case where interim bail was granted to the petitioner in view of the settlement with the complainant. On failure of the petitioner to fully comply with the terms of the settlement the interim bail stands cancelled. Thus, it is not a case where petitioner can approach this Court under Section 438 Cr.P.C.
5. The application is dismissed.

PRATIBHA RANI, J.

MAY 02, 2016
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