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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1258/2016

RAJESH MALIK

..... Petitioner

Through: Mr.A.K. Padhy, Advocate

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. M.P. Singh, Additional Public
Prosecutor for the State with S.N.
Dinesh, Sub-Inspector Anita, Police
Station. Kanjhawala, Delhi.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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13.06.2016

Crl. M.A. No.9893/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Bail Appln. No.1258/2016

By this petition filed under Section 439 of Cr. P.C., the petitioner seeks bail in FIR No. 54/2016 under Section 354/376/377 IPC, registered at Police Station Saket, Delhi.

The grievance of the petitioner in this case is that the petitioner had moved an application before the Court of learned ACMM on 8th June 2016 for recalling/cancellation of NBW/ proceedings under Section 82/83 Cr. P.C. on the ground that the co-accused has been granted relief of anticipatory bail from the order of this Court and the learned ACMM while keeping in mind the gravity of allegations

levelled against him and the fact of proceedings under Section 82/83 Cr. P.C. being pending against the accused/petitioner and the fact that the petitioner is required for the purpose of investigation, dismissed the application of the petitioner vide order dated 08th June 2016 and the petitioner was taken into custody.

The admitted position is that there were proceedings under Section 82 of Cr. P.C. pending against the petitioner and the order rejecting the application for recalling the proceedings has not been challenged in any Court of law. It is also not disputed that the initiation of proceedings under Section 82 of Cr. P.C. are also not challenged before the Court of law. Even no such application for the same purpose was filed before the Trial Court.

In view of the aforesaid facts and circumstances of the case, this Court does not find any ground to grant bail to the petitioner at this stage. Accordingly, the present bail application filed by the petitioner is dismissed at this stage.

However, it goes without saying that anything observed in this case shall not have any bearing on the merits of the case during trial.

The bail application stands disposed of.

P.S.TEJI
(VACATION JUDGE)

JUNE 13, 2016
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