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

+ **BAIL APPLN. 1749/2016**

BINOD KUMAR DASS

..... Petitioner

Through: Mr. Puneet Mittal, Aman Sareen,
Gurpratap Singh and Nidhi Bindra,
Adv.

versus

STATE

..... Respondent

Through: Ms. Anita Abraham, APP with SI
Mohit Prakash, PS Hari Nagar

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
22.09.2016

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1. The petitioner has preferred the present bail application under Section 439 Cr PC to seek regular bail in case FIR No.297/2011 under Section 409/420/467/468/471/120B IPC. The petitioner is in judicial custody since 24.03.2014. The charge sheet stands filed, though the charges have not been framed.

2. The petitioners co-accused had approached this court on an earlier occasion to seek regular bail. On 23.04.2014, while disposing of the bail application being Bail Appl. No.147/2014 of the co-accused, this court had

directed the Trial Court to hear the arguments on the charge on the next date of hearing. Since the charges were not framed, the petitioner moved bail application being Bail Appl. No.2146/2015, which was heard along with Bail Appl. no.2357/2015 of the co-accused R.B. Chakraborty. On 01.02.2016, the said bail applications were disposed of by this court.

3. It was informed to the court that the case was listed before the Trial Court on 15.02.2016 for appearance of the I.O. SI Om Prakash, who was present before the High Court on the said date. The court also took note of the fact that the FSL report had also been received. The APP assured the court that there would be no delay in commencement of the trial since the I.O. Om Prakash stated that he shall remain present before the Trial Court on the date fixed. Learned APP also submitted that the arguments on charge could be heard by the Trial Court on the next date fixed or to be fixed shortly thereafter.

4. In this background, the petitioner opted to advance his submissions before the Trial Court on the aspect whether a prima facie case is made out against the petitioner and also to seek the relief of bail, if the necessity arises. Consequently, the said bail applications were disposed of on 01.02.2016 with a direction that the Trial Court shall ensure that there is no further unnecessary delay in hearing the parties for consideration on charge.

5. The petitioner has placed on record the orders passed by the Trial Court post the order dated 01.02.2016 passed in the petitioner's bail application. It is seen that the case was listed before the Trial Court on 15.02.2016 and is adjourned to 29.02.2016. It was further adjourned to

03.03.2016; 17.03.2016; 31.03.2016; 28.04.2016; 26.05.2016; 09.06.2016; 23.06.2016; 02.08.2016 and 30.08.2016. Mr. Mittal informs that the case is now fixed for 29.09.2016 and till date the arguments on charge have not been heard.

6. The submission of learned counsel for the petitioner is that the status report filed by the State shows that even according to the State, the signatures of the petitioner were found in original on two sanction, out of which forensic examination has found that the signatures of the petitioner in one of those sanction has been matched. Learned counsel points out that the co-accused Balak Ram, who had received part of the amount allegedly defalcated and from whom the petitioner allegedly received some amount has already been released on bail. The main accused and the recipient of the defalcated amount R.B. Chakraborty is in custody. It is also submitted that the petitioner is a government servant and since the investigation is complete, there is no possibility of the petitioner tampering with the evidence, which is all documentary in nature.

7. In these circumstances, I am inclined to allow the present application. Accordingly, the petitioner is directed to be released on bail upon furnishing of personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Trial Court. The same is subject to the condition that the petitioner shall not approach or contact any of the prosecution witnesses and he shall not seek to tamper with any evidence. He shall not leave the country without prior permission of the Trial Court. It is informed that the petitioner has not applied for and obtained any passport. He shall attend the proceedings before the court as and when the same are taken up. He shall

also provide his latest address and mobile phone number at the time of his release, and shall not change the same without prior intimation to the court.

Dasti.

SEPTEMBER 22, 2016

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VIPIN SANGHI, J