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

DECIDED ON : 28th JULY, 2016

+ **CRL.M.C. 1658/2015, CRL.M.A.Nos.6811/2015, 10073/2015 & 3851/2016**

HIRANANAD MANDAL

..... Petitioner

Through : Mr.Siddharth Singla, Advocate with
Mr.Sameer Rohtagi & Ms.Swikriti
Singhania, Advocates.

versus

VEER KUMAR & ANR.

..... Respondents

Through : Mr.M.Hasibuddin, Advocate for R1.
Mr.Amit Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. has been filed for cancellation of bail granted to the respondent No.1 vide order dated 19.03.2015. The petition is contested by respondent No.1.

2. I have heard the learned counsel for the parties and have examined the file. Counsel for the petitioner urged that there were serious allegations against the accused / respondent No.1 which did not warrant grant of bail to him. Respondent No.1 has misused the liberty and threatened the complainant and her daughter. The respondent No.1 is

further hampering the process of investigation and is interfering with the process of administration of justice. He continues to stalk her daughter. Leaned counsel for the respondent No.1 controverting the arguments urged that the respondent No.1 was not in Delhi on the relevant date. He has got admission in a coaching institute at Career Point Institute in Kota (Rajasthan) and is preparing for IIT JEE Exams. He continues to stay there.

3. The respondent No.1 is facing trial in case FIR No.628/2014 registered under Sections 354/452/506 IPC; Section 12 POCSO Act and Sections 25/27 Arms Act. This FIR was lodged on petitioner's complaint on 30.11.2014. Respondent No.1 was arrested on 30.11.2014.

4. Vide order dated 19.03.2015 this Court granted regular bail to the respondent No.1 as he was in custody since 30.11.2014 and charge-sheet had already been filed upon completion of the investigation.

5. It is pertinent to note that State did not move any application for cancellation of bail. State did not inform if the liberty granted to the petitioner was ever misused. Status report reveals that the petitioner had filed a complaint on 26.04.2015 at PS Fatehpur Beri alleging that on 02.04.2015 the accused / respondent No.1 had threatened him. During enquiry, the complainant failed to produce any substantial evidence to prove his allegations and the complaint was filed.

6. It is relevant to note that earlier the respondent No.1 was granted interim bail by the Trial Court to enable him to appear in exams vide order dated 11.02.2015 for the period from 15.02.2015 to 04.03.2015. The respondent No.1 further granted interim bail to enable him to appear in practical exams to be held from 07.03.2015 to 26.03.2015. There are no allegations that this liberty was misused by the respondent No.1.

7. Considering the facts and circumstances of the case, I find no merits in the present petition to cancel the bail granted on merits to the respondent No.1. The petition is dismissed. Pending applications also stand disposed of.

(S.P.GARG)
JUDGE

JULY 28, 2016 / *tr*

