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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3451/2016**

RAKESH GOEL & ANR Petitioners
Through: Mr. Pradeep Kr. Arya, Mr. Arvind
Jain and Ms. Sarika Soam, Advs.

Versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr. Izhar Ahmed, APP for State with
SI S.S. Rana, EOW.
Mr. Anish Bhola and Mr. Amit
Gautam, Advs. for Complainant.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **20.09.2016**

By this petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.), petitioner has assailed the order dated 22nd September, 2014, passed by the learned Sessions Judge, Delhi in Bail Application Nos. 4849/2013 and 4850/2013.

It emerges from the record that petitioner filed applications under Section 439 Cr.P.C. for regular bail. Vide separate orders dated 26th June, 2013 passed in both the applications, petitioner was granted interim bail for a period of two months, that is till 26th August, 2013, on furnishing the bail bond in the sum of ₹50,000/- with one surety of like amount to the

satisfaction of Ld. MM/Link MM/Duty MM concerned and applications were disposed of. Though, no next date was given in the matter but it appears that cases were listed on 26th August, 2013, since interim bail was granted till that date. Thereafter matter was taken up on different dates till 22nd September, 2014, when learned Sessions Judge realised that applications had already been disposed of and no further orders were required to be passed in the aforesaid applications, inasmuch as, no fresh applications were filed by the petitioner seeking grant of bail. Accordingly, vide order dated 22nd September, 2014 it was clarified that applications stood disposed of vide order dated 26th June, 2013.

Petitioner instead of surrendering before the Court and applying for regular bail, continued to file one or the other application including the applications under Section 438 Cr.P.C seeking anticipatory bail, though the same were not maintainable as petitioner had already been arrested and even granted interim bail. He enjoyed benefit of interim bail in the said applications. Finally on August 19, 2016, petitioner withdrew both anticipatory bail applications being Bail Application Nos.152 and 153 of 2015.

Instead of surrendering before the trial court and filing regular bail

application, petitioner has filed present petition against the order dated 22nd September, 2014, and has prayed that the earlier bail applications, which stand disposed of vide order dated 26th June, 2013, be revived.

I do not find any force in this contention. The said applications were disposed of by granting interim bail and which fact has rightly been clarified vide subsequent order dated 22nd September, 2014. This was even accepted by the petitioner, since he himself filed applications under Section 438 Cr.P.C., though he should have filed applications for regular bail, after surrendering in court.

Petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 20, 2016

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