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

DECIDED ON : 7th OCTOBER, 2016

+ **CRL.M.C.3736/2016**

VISHAL VARSHNEY Petitioner

Through : Mr.Sujeet K.Mishra, Advocate.
versus

STATE & ANR. Respondents

Through : Mr.Arun K.Sharma, APP.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

CRL.M.A.No.16027/2016 (For restoration)

1. For the reasons mentioned in the application, the petition dismissed in default vide order dated 04.10.2016 is restored in its original number.

2. The application stands disposed of.

CRL.M.A.No.15612/2016 (Exemption)

1. Exemption allowed subject to all just exceptions.

2. The application stands disposed of.

CRL.M.C.3736/2016 & CRL.M.A.No.15611/2016

1. The petitioner has filed the instant petition under Section 482 Cr.P.C. to challenge the legality and correctness of an order dated

06.08.2016 of learned Addl. Sessions Judge by which anticipatory bail granted vide order dated 02.07.2015 was cancelled.

2. Petitioner's counsel urged that the impugned order is bad in law as the petitioner could not have been denied the benefit of anticipatory bail on his failure to deposit ₹3.5 lacs. Such a condition to deposit ₹3.5 lacs to grant anticipatory bail was onerous and unreasonable which the petitioner was unable to comply. Reliance has been placed on '*Sumit Mehta vs. State of NCT of Delhi*', 2013 (15) SCC 570.

3. Vide order dated 02.07.2015, the petitioner was granted anticipatory bail and was directed to deposit a sum of ₹3.5 lacs in Mahila Court in the shape of FDR within four weeks. Undisputedly, the petitioner has not complied the said order so far. This order was passed in the presence of counsel for the applicant / accused. It was informed by the petitioner's counsel that time that the applicant was in USA.

4. Perusal of the order further reveals that it was a consent order and the counsel for the petitioner have proposed to deposit amount ₹3.5 lacs to show petitioner's bona-fide. Petitioner's allegations that no such instructions were given to his counsel deserves outright rejection as the said order was never challenged. It had attained finality.

5. The amount so asked to be deposited by the petitioner was not unreasonable. It was specifically claimed by the complainant that the jewellery given as dowry was not returned.

6. Since the petitioner has failed to comply with the conditional consent order, the Court below did not commit any illegality or irregularity by cancellation of the bail.

7. The petition lacks in merits and is dismissed. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

OCTOBER 07, 2016 / *tr*

