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

+ CRL.M.C. 4940/2015

TILAK RAJ SHARMA @ GAGAN BAKSHI Petitioner
Through Mr.Kanhaiya Singhal, Adv.

versus

STATE Respondent
Through Mr.Amit Chadha, APP for the State
with SI Narendra Singh, PS Prasad
Nagar.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **10.03.2016**

The present petition has been filed by the petitioner for waiving of the condition of deposit of Rs.4,00,000/- in the Trial Court and reducing three sureties of Rs.1,00,000/- each imposed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi.

I have heard learned counsel for the parties and perused the available records. During the course of argument, it has been submitted by counsel for the petitioner that the Hon'ble Supreme Court in *Sumit Mehta v. State (NCT of Delhi) (2013) 15 SCC 570*, held that any condition imposed for grant of anticipatory bail should be reasonable, not onerous and should effectuate object of imposing conditions having regard to the facts and circumstances of the case. It was further held that the object of permitting conditional anticipatory

bail is to ensure fair and uninterrupted investigation and trial and any condition which departs from this object is not permissible but Court should exercise its discretion with utmost caution.

Learned counsel for the petitioner has submitted that as per this judgment, such condition should not have been imposed by the Court below.

Consequently, this Court is of the considered opinion that the ends of justice would be secured if the learned Additional Session Judge passes a fresh order.

Consequently, the order dated 12th August, 2014, allowing the application of the applicant to the extent that the applicant would deposit Rs.4,00,000/- and furnish three sureties of Rs.1,00,000/- each, is hereby set aside with liberty to the petitioner to move fresh application which shall be decided after hearing the counsel for the petitioner on its merits.

With the above observation, the present petition is disposed of.

P.S.TEJI, J

MARCH 10, 2016

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