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

+ CRL.M.C. 349/2017

P V VORA

..... Petitioner

Through : Mr.Pradeep Sharma with Mr.Kshitij
Mehta, Advocates.

versus

STATE & ANR.

..... Respondents

Through : Ms.Meenakshi Dahiya, APP.
Mr.K.D.Khan with Ms.Merry
Hussain, Advocates for R-2.
SI Sanjeev, PS Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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21.04.2017

1. Present petition under Section 482 Cr.P.C. read with Section 439(2) Cr.P.C. has been filed by the complainant for cancellation of bail granted to respondent No.2 vide order dated 26.07.2016. Mr.K.D.Khan, Advocate, puts appearance on behalf of respondent No.2 pursuant to notice issued.

2. I have heard the learned counsel for the parties and have examined the file. By an order dated 26.7.2016, anticipatory bail under Section 438 Cr.P.C. in case FIR No.1653/2015 under Sections 420/34 IPC at Police Station Vasant Vihar was granted to the accused on his offer to pay ₹50,00,000/- to the complainant within ten days without prejudice and subject to future adjustment (if any). It was a consent order. Undisputedly, the accused enjoyed the grant of

anticipatory bail but violated the terms and conditions regarding payment of ₹50,00,000/- to the complainant within ten days. It is informed that not a single penny has been given by the accused to the complainant so far.

3. Learned counsel for the accused did not furnish any plausible explanation for not complying with the terms and conditions of the consent order dated 26.7.2016. It is relevant to note that Crl.M.A.12145/2016 was filed by the accused to seek certain clarifications was disposed of with the direction to the accused to comply the order within a week on 8.8.2016. It had no impact upon the accused. He continued to enjoy the anticipatory bail without making payment to the complainant.

4. In the complaint, the complainant has levelled serious allegations against respondent No.2 whereby he was cheated of valuable sum of ₹1,50,00,000/- under the grab of selling a floor in a residential building purported to be constructed by him along with co-accused.

5. Considering the gravity of the offence and the accused's conduct whereby he did not comply with the terms and conditions of the consent order, he does not deserve benefit of anticipatory bail.

6. The anticipatory bail granted vide order dated 26.7.2016 is cancelled.

7. The petition stands disposed of.

S.P.GARG, J.

APRIL 21, 2017 / sa