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

+ BAIL APPLN. 168/2017

BIKASH KUMAR CHAUDHARY @ VIKASH CHOUDHARY

..... Petitioner

Through Ms.Ridhima Mandhar, Adv.

versus

STATE

..... Respondent

Through Mr.M.S. Oberoi, APP with SI Dinesh
Kumar, PS Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **30.01.2017**

Crl.M.A. 1597/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 168/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.851/2016, under Section 406 IPC, Police Station Nihal Vihar.

As per FIR, the same was registered on the basis of complaint made by the complainant-Dr.Ajay Luthra. It was alleged that on 19.11.2016 at about 03.05 p.m., the complainant had hired a Uber cab through his mobile phone. One cab make Swift Dzire of white colour came. The complainant put his medicines and cash Rs.4,50,000/- in

the taxi. At about 3.35 p.m., the complainant reached his clinic. The taxi driver asked the complainant to make the payment as he was in hurry. Due to hurry, the medicines and cash of Rs.4.5 lakhs remained in the taxi. After sometime, the complainant made a call to the taxi driver to which the driver informed that the belongings of the complainant were lying in the taxi and he would come in a short while. The complainant kept on waiting but the taxi driver switched off his phone.

During the course of arguments, it has been submitted that the amount of Rs.3 lakhs belonging to the complainant has already been returned to him by the driver of the taxi through its owner. Even as in the statement of the complainant recorded under Section 161 Cr.P.C., the amount so received by him amounting to Rs.3 lakhs has not been mentioned nor it was brought to the knowledge of the Investigating Officer. This fact has also been admitted by the Investigating Officer present in the Court. He has stated that the complainant after taking the money deposited the same in his bank account. It shows that the petitioner is not required for the purpose of arrest and his custodial interrogation is not required.

In view of above mentioned facts and circumstances, the application is allowed. It is hereby ordered that in the event of arrest of the accused/petitioner, he shall be released on bail on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the arresting officer. The accused /petitioner is directed to join the investigation as and when required; not to tamper with the evidence; not to influence the prosecution

witnesses; and shall not leave the country without prior permission of the court concerned.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly disposed of.

P.S.TEJI, J

JANUARY 30, 2017
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