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

+ **BAIL APPLN. 550/2017**

SAGAR @ VIDYA SAGAR

..... Petitioner

Through: Mr. Manish Kumar Vikkey &
Mr. Ajay Kumar Pipaniya, Advocates.

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP along with
Inspector Jawahar Singh, SHO, PS -
Bharat Nagar, for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
27.03.2017

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Crl.M.A. No. 5136/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 550/2017

This is second anticipatory bail application moved by the petitioner before this Court. His earlier Bail Application No.337/2017 was argued at length by his counsel Mr. Maninder Singh, and since this Court was not inclined to grant any relief, the same was withdrawn. The operative part of the order passed in Bail Application No.337/2017 on 23.02.2017 reads as

follows:

“ After some arguments, learned counsel for the petitioner wishes to withdraw the petition. Mr. Singh submits that the petitioner shall surrender before the IO.

Dismissed as withdrawn.”

Today, learned counsel for the petitioner states that he wishes to press his anticipatory bail application on merits and that the same may be decided on merits.

This approach of the petitioner cannot be appreciated. On the earlier occasion, the petitioner had pressed his bail application and since this Court was inclined to dismiss the same, he chose to withdraw the same rather than inviting an order from this Court. The petitioner cannot blow hot and cold in the aforesaid manner. The present is clearly is an abuse of the process of Court. A Court permits withdrawal of petitions preferred by accused even after advancing arguments so that the observations that this Court may make while refusing the bail applications and other such like petitions of the accused, may not come in the way of the accused before the Trial Court.

The case involves unnatural death of a young girl, who was married for only 2 ½ months. She died at her matrimonial home. The petitioner is the father-in-law of the deceased and the allegations in the FIR and the statements recorded during investigation clearly implicate the petitioner. Pertinently, when his earlier bail application was withdrawn on 23.02.2017, the petitioner stated that he shall surrender before the I.O. Till date, he had not surrendered and proceedings under Section 82 Cr.P.C. have also been completed, as informed by Mr. Katyal.

In these circumstances, the present bail application is dismissed with

costs of Rs.10,000/- to be deposited in the Delhi Legal Services Authority within two weeks.

Dasti.

VIPIN SANGHI, J

MARCH 27, 2017

B.S. Rohella