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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 691/2017

NAND KUMAR @ NANDU

..... Petitioner

Through: Mr.Sunil K. Mittal with Mr.Vipin K.
Mittal, Mr.Kshitij Mittal, and
Mr.Divyansh Arora, Advocates.

versus

STATE

..... Respondent

Through: Mr. M.S. Oberoi, Additional Public
Prosecutor for the State with Sub-
Inspector Hari Kishan, Police Station
Shalimar Bagh, Delhi.
Mr.Ramesh Gupta, Senior Advocate
with Mr.R.K. Wadhwa, Advocate for
the Complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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21.04.2017

1. By this second application filed under Section 438 of Cr. P.C., the petitioner seeks anticipatory bail in FIR No. 112/2017 under Section 306/34 of Indian Penal Code, registered at Police Station Shalimar Bagh, North West, Delhi.

2. The present case has been registered on the complaint of Rajesh Kumar Verma who alleged that on 23.03.2017 at about 10 PM, his father had committed suicide at his residence at Shalimar Bagh by his own licensed revolver and has left a suicide note, wherein he had held Jyoti, Babli, Nand Kumar, Suraj and Bharat @ Bittoo responsible for

his death. It is alleged in the suicide note that Babli demanded Rs. 10 lakh from him on 12th March and on 14th March, she started blackmailing the deceased. It is further alleged that the deceased went to Jind and relieved Babli from her job and alleged that Nandu Kumar had informed his brother about these false allegations. Nandu and his son instigated both to made false allegations because deceased was a witness in a case registered against Bharat @ Bittoo. It is alleged that Nandu and Bittoo vengeful against his father and were looking for an opportunity to take revenge. Nandu, Bittoo, Babli, Jyoti and her brother Suraj hatched a criminal conspiracy to take Rs.10 lakh from Shri Niwas and floated a false story of rape of Jyoti in the society and also told his chacha and tau, so that the image of his father is maligned in the society and he ultimately gives Rs.10 lakh to Babli on being humiliated.

3. During the course of argument, it is informed that there are five accused namely, Jyoti, Babli, Nand Kumar, Suraj and Bharat @ Bittoo, and only two of them, i.e., Nand Kumar @ Nandu and Bharat @ Bittoo have moved the application for grant of anticipatory bail. However, no action has been taken against other three accused. This court reveals even the police file does not reveal any reason for not arresting them. When Sub-Inspector Hari Kishan, investigating officer was asked as to whether he wishes to arrest the accused persons, he said that he wishes to arrest them.

4. At this stage, Sub-Inspector Hari Kishan, investigating officer of this case seeks 15 days time to take decision with regard to the

arrest of all five accused persons in the present case. In the facts and circumstances of the case, the present application is disposed of with direction to the investigating officer that in case he wishes to arrest all the accused persons, he will seek warrants from the competent court within 15 days of this order to arrest them. However, the accused persons/applicants shall be at liberty to challenge the order of the warrant or seeking the bail in the matter.

5. With aforesaid direction, the present bail application, filed by the petitioner stands disposed of.

P.S.TEJI, J

APRIL 21, 2017

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