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

+ CRL.M.C. 1629/2017

BABU RAM @ BABU LAL

..... Petitioner

Through: Mr.Aditya Vikram, Adv. (DHCLSC)

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Mukesh Kumar, APP for State
Inspector Uma Dutt, PS-Mangolpuri

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **24.04.2017**

CRL.M.A.6623/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1629/2017 & CRL.M.A.6624/2017

This is a petition seeking modification in impugned orders dated 02.12.2016 and 20.12.2016 passed by learned ASJ-04/NW/Rohini/Delhi in FIR No.130/16, under Sections 304-B/498-A/34 IPC, PS-Mangolpuri.

Counsel for the petitioner submits that Smt.Bimla Devi is the wife of the petitioner who moved bail application No.1716/2016 dated 03.10.2016 and was granted anticipatory bail subject to furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned Trial Court. Counsel for the petitioner further submits that while granting anticipatory bail to the petitioner, the Trial Court directed the

petitioner to deposit Rs.50,000/- by way of FDR which is unreasonable as the petitioner is a poor person and he cannot arrange the said amount. He further submits that no such condition was imposed on petitioners' wife Smt.Bimla Devi while granting her anticipatory bail. He further submits that the impugned order dated 02.12.2016 be modified to the extent of waiving the amount directed to be deposited by way of FDR.

Learned APP for State opposes the contention of learned counsel for the petitioner and submits that there is no infirmity in the impugned orders passed by the Court below.

Looking into the facts and circumstances of the case and in view of submissions made by learned counsel for the petitioner that the petitioner is a poor person and unable to arrange the amount directed to be deposited vide impugned order dated 02.12.2016, I deem it appropriate to modify the impugned order dated 02.12.2016. Accordingly, the amount of Rs.50,000/- by way of FDR directed to be deposited vide impugned order dated 02.12.2016 is waived off. In the event of arrest, the petitioner be released on anticipatory bail on his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of IO/SHO concerned.

The present petition is allowed and stands disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

APRIL 24, 2017/radhika