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

+ CRL.M.C. 1779/2017

AJAY KAPOOR

..... Petitioner

Through: Mr.R.N.Mittal, Sr. Adv. with
Mr.Arvind K Gupta and Mr.Anshul
Garg, Advs.

versus

STATE

..... Respondent

Through: Mr.Kamal Kr. Ghei, APP for State
Inspector Ajeet Kr. Jha, EOW

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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02.05.2017

CRL.M.A.7242/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 1779/2017 & CRL.M.A.7241/2017

Learned senior counsel for the petitioner has submitted that the petitioner was already admitted on bail vide order dated 18.02.2017 passed by learned ACMM, Karkardooma Courts, Delhi. The relevant para of order dated 18.02.2017 is reproduced:

“Considering the facts of the case and order of Hon’ble High Court of Delhi, both these accused are admitted to bail.”

Learned senior counsel for the petitioner has further submitted that the anticipatory bail application pending before Hon’ble High Court of Delhi

was later withdrawn on 13.04.2017 as it became infructuous.

The order dated 13.04.2017 passed by this Court read as under:

“The learned counsel for the petitioner/applicant submits that the charge-sheet has already been filed and, therefore, the application for anticipatory bail is withdrawn. The application is allowed. The application for anticipatory bail stands dismissed as withdrawn.

The interim protection granted by order dated 19.01.2016, however, shall continue to be operative till 28.04.2017, which is the date fixed before the trial court.

Copy of the order be given Dasti.

The date earlier fixed, i.e. 21.04.2017, stands cancelled.”

Learned senior counsel for the petitioner has submitted that since the anticipatory bail application was withdrawn there would not have been any protection till 28.04.2017 because the said bail application was withdrawn on the existence of bail order dated 18.02.2017 itself. The learned senior counsel for the petitioner has further submitted that there was a regular bail existing dated 18.02.2017 and there was no occasion for requesting to extend the interim protection till 28.04.2017 and due to this appearing mistake of extension of protection till 28.04.2017, the Court below issued Non Bailable Warrants. The bail order dated 18.02.2017 was not challenged by either of the party till date and it was a procedural mistake which has come on record resulting into issuance of Non Bailable Warrants by the Trial Court on 28.04.2017. The learned senior counsel for the petitioner has pointed out that issuance of Non Bailable Warrants was not warranted in the impugned order dated 28.04.2017.

Keeping in view the facts and circumstances of the case, since the

petitioner was admitted on bail vide order dated 18.02.2017 and the said order is still in existence, therefore, the petitioner is directed to move appropriate application before the concerned Court below till the next date i.e. 16.05.2017.

In the event of arrest, prior to 16.05.2017, the petitioner shall be released on bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned Court below.

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

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

I.S.MEHTA, J

MAY 02, 2017/radhika