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

+ BAIL APPLN. 840/2017 & CrI.M.A. No.7507/2017

SANTOSH J DASS Petitioner
Through Mr.Vineet Mehta, Adv.

versus

STATE (GNCT) DELHI Respondent
Through Mr. Kewal Singh Ahuja, APP for the
State

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **05.05.2017**

1. The present application under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in a case arising out of FIR No.718/2016 registered under Sections 498A/406/34 of the Indian Penal Code by Police Station Timarpur, Delhi.

2. It has been submitted by counsel for the petitioner that the petitioner/applicant has apprehended his arrest and he moved the application before the Court of Sessions which was declined vide order dated 25th April, 2017. The arguments advanced by counsel for the petitioner is that he is the husband and no entrustment of any article was made to him or nor there is any such specific allegation against him. He further submitted that there cannot be any purpose for his custodial interrogation.

3. The learned Additional Public Prosecutor for the State, after going through the file, has accepted that as per the FIR, no date for the entrustment of article has been given and that no list of articles is attached along with the FIR. He further accepted that as per the record, the person to whom the entrustment has been made, has not been named or the person who refused to return the article has not been given.

4. In view of the facts and circumstances of the present case as well as in view of the pronouncement in ***Udit Raj Poonia Vs. State (Govt. of NCT of Delhi) 2017 (2) AD (Delhi) 626***, this court is of the considered opinion that the petitioner is entitled for grant of anticipatory bail in the present case.

5. In view of the facts of this case, it is hereby ordered that in the event of arrest, the petitioner – Santosh J. Dass be released on bail subject to his furnishing of personal bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the arresting officer.

6. The petitioner is directed to join the investigation as and when required and to cooperate in the investigation of the present case. He is directed not to influence the prosecution witness and tamper with the evidence. He is further directed not to leave the country without prior permission of the concerned Court.

7. 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.

8. With aforesaid directions, the present bail application stands disposed of.

P.S.TEJI, J

MAY 05, 2017/aa