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

**DECIDED ON : MAY 29, 2017**

+ **CRL.M.C. 2265/2017**

MANJU JAIN

..... Petitioner

Through : Mr.Jaivir Bains, Advocate.

versus

STATE & ANR

..... Respondents

Through : Ms.Anita Abraham, APP.

**CORAM:  
HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (ORAL)**

**Crl.M.A.No.9261/2017 (Exemption)**

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

**CRL.M.C. 2265/2017**

1. Present petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. has been preferred by the petitioner for cancellation of bail granted to respondent No.2 (hereinafter referred to as 'the respondent') by an order dated 2.8.2016.

2. I have heard the learned counsel for the parties and have examined the file. The respondent is facing trial in case FIR No.120/13

registered under Sections 420 IPC at Police Station Vasant Kunj North. By an order dated 2.8.2016 in Bail Application No.1605/2016, the respondent was granted anticipatory bail on his furnishing personal bond in the sum of ₹1,00,000/- with one surety of the like amount to the satisfaction of Investigating Officer/Arresting Officer/SHO concerned by the Coordinate Bench of this Court. It is relevant to note that the said order was passed after hearing the counsel for the complainant.

3. State has not filed any application for seeking cancellation of the anticipatory bail. The present petition has been filed by the complainant informing that pursuant to the anticipatory bail granted by this Court, the respondent has not appeared before the Trial Court. Copy of the order dated 8.10.2016 of the learned Metropolitan Magistrate reflects that respondent's counsel had put appearance before the Trial Court. It was observed therein that technically, the respondent had submitted to the jurisdiction of the court by putting appearance through his counsel. Proceedings under Section 83 Cr.P.C. initiated against him were dropped.

4. If the respondent violates the terms and conditions of the order and fails to appear before the Trial Court without valid reasons despite issuance of process by the court below, coercive process can be issued to secure his presence. Mere non-appearance of the respondent as alleged is not a ground/valid reason for cancellation of bail at this stage.

5. The petition lacks in merits and is dismissed.

**(S.P.GARG)**  
**JUDGE**

**MAY 29, 2017/sa**