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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2255/2017 & CRL. M.A. 9232/2017 (exemption)
VIMLA Petitioner
Through Mr. S.B. Tripathi, Adv.

versus

NCT OF DELHI & ANR Respondents
Through Mr. Hirein Sharma, Addl. PP for State
with SI Vijay Kumar, PS Mayur
Vihar.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **29.05.2017**

By the petition filed, the petitioner seeks cancellation of anticipatory bail granted to the accused-respondent no.2 in FIR no. 130/2017 under Sections 419/420/468/471/34 IPC, PS Mayur Vihar.

Ld. Counsel for the petitioner presses the application on two counts. One, subject FIR is the outcome of an order passed under Section 156(3) Cr.P.C. in the complaint filed inter alia for the offences under SC/ST Act, but, the police did not register FIR for the offence(s) under SC/ST Act. Secondly, the photographs appearing at pages 63A and 64 of the instant petition would show the complicity of accused-respondent no.2 for the offence, for which the FIR has come to be registered and therefore, anticipatory bail should have been refused. In a passing by reference, it was also contended that the order sought to be quashed also mentions for an earlier FIR no.31/2014, PS Mayur

Vihar, having been registered against the applicant.

To my mind, none of the contentions carry any merit and the application is wholly misconceived. The order of Id. ASJ dated 4.5.2017 only adverts to the bail in relation to the offences under Sections 419/420/468/471/34 IPC without any reference to the offence under any provision of SC/ST Act. Should, during the course of investigations any such offence be added, the cause would arise for the police to take necessary action. Of course, the applicant-accused would also be at liberty to seek legal remedy there-against and the order dated 4.5.2017 would not suffice. Absence of any such offence in the FIR by *ipso facto* is therefore, no reason to recall the bail order on that count. Then, assuming, the complicity of the accused can be seen from the photographs pointed out, it *ipso facto*, is equally no ground to not to cancel the bail order. None of the contentions as such invite interference in the impugned order of the Id. ASJ dated 4.5.2017.

Dismissed.

A. K. CHAWLA, J

MAY 29, 2017

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