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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 297/2018**
ANKUR JAIN

Through Mr.U.A.Khan and Mr.Shahrukh
Khan, Advocates. Petitioner

versus

STATE (NCT OF DELHI)

Through Mr.Amit Ahlawat, APP for the State
with SI Kishanveer Bhati from
P.S.Shakarpur. Respondent

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **06.02.2018**

Crl.M.A.No.2292/2018 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

BAIL APPLN. 297/2018

Petitioner is seeking anticipatory protection. The present FIR has been registered initially under Sections 323/342/386 read with Section 120B of the IPC. Sections 364A and 307 of the IPC were added later on. The version of the petitioner is that after the initial registration of the FIR he was granted regular bail vide order dated 18.11.2017 and it was only pursuant to the addition of the aforementioned two sections that his bail stood cancelled.

Counsel for the State has opposed this petition. Submission is

that there are four accused of whom only one has been arrested and three accused (including the petitioner) are absconding. The present petitioner has also not joined the investigation.

The averments in the FIR have been perused. The statement of the complainant and the role attributed to the present petitioner is categorical. The petitioner has been named. It was at his behest that a ransom call had been made. The victim had been abducted and kept in the house of the petitioner. The offence is serious. No ground is made out for anticipatory protection.

This Court notes the manner in which the investigation which is being carried out by the Investigating Officer and the admitted position that Sections 364A/307 of the IPC were added pursuant to no supplementary statement of the victim; it appears that the Investigating Officer has taken it upon himself as to what offence is to be added at his own whims. The Trial Court shall take strict notice of this conduct of the Investigating Officer and shall pass an appropriate order.

Petition dismissed.

INDERMEET KAUR, J

FEBRUARY 06, 2018
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