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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 765/2018 & CRL.M.A. 2777/2018, 4790/2018, 4791/2018**

SAMDEV DASGUPTA & ORS Petitioners
Through: Mr. Jasmeet Singh, Advocate.

versus

STATE & ANR Respondents
Through: Mr. Ashish Dutta, APP for State with
SI Kamal Kishor, DIU/South.
Mr. Anirudh K. Mudgal, Advocate
for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **23.08.2018**

1. After some arguments, the learned counsel for the petitioners submitted, on instructions, that he may be permitted to withdraw the present petition, the prayer for quashing of the FIR No. 198/2016 of police station Chittaranjan Park, involving offences punishable under Sections 420/467/468/471/120-B/34 IPC and the prayer for return of the original title deeds by the first respondent (investigating officer) being not pressed, the petitioner seeking liberty to approach this Court under the appropriate jurisdiction, to seek release on bail in the said case in view of the sessions court having withdrawn the earlier order dated 29.04.2017, by cancelling the bail invoking the provision under Section 439(2) of Code of Criminal Procedure, 1973 (Cr.P.C.).

2. The counsel for the second respondent submitted that he opposes the prayer for liberty to above effect to be granted on account of the past

conduct of the petitioners qua the memorandum of understanding (MoU) dated 29.04.2017 and also in view of the breach of the undertakings given to the court from time to time.

3. Having regard to the prayer for withdrawal, the permission to withdraw the present petition is granted. The petition is dismissed as withdrawn.

4. Having regard to the facts and circumstances of the case, the right to approach this Court for release on bail being a statutory right, the earlier order granted by the sessions court having been withdrawn, it will not be just or proper to deny the liberty, as is sought. The conduct of the petitioners, if relevant, may always be brought to the notice of the court when the petitioners approach it by appropriate application for release on bail. The liberty, as prayed is, thus, granted. Having regard to the fact that interim protection was granted to the petitioner during the pendency of these proceedings by order dated 13.02.2018 it is fair, as is also requested, that such interim protection be extended for a period of two weeks' from today so that the petitioners can approach the court of sessions by an appropriate application for release on bail. Allowed accordingly.

5. This disposes of the pending applications as well.

6. *Dasti* under the signatures of Court Master.

R.K.GAUBA, J.

AUGUST 23, 2018

srb

CRL.M.C. 765/2018

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