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

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Judgment delivered on: 16.04.2018

+ CRL.M.C. 1081/2018

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..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Mandeep S. Vинаик, Mr. Manish Lamba,
Mr. Sanklap Sangar and Mr. Hitesh Kumar,
Advs.

For the Respondents : Mr. Mukesh Kumar, Addl. PP for the State
Mr. Rajiv Khosla, Tajinder Singh and Mr.
Sarvesh Tyagi, Advs. for R-2

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.04.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns order dated 05.02.2018 passed by the trial court granting anticipatory bail to respondent no. 2.

2. The trial court by the impugned order inter alia held as under:-

“During arguments, Id. Counsel for the applicant submits that the applicant is a student of MBA and is not previously involved in any criminal case and to show his bonafide towards the society, is offering himself to do community service so that he establishes his conduct towards the society.

Keeping in view the laws laid down by the Hon'ble Supreme Court as well as observations made by the Hon'ble High Courts, this Court is of the considered view that the applicant is not entitled for concession at this stage but the applicant himself offered for community services to show his bonafide towards the society and to teach the children of economically weaker sections/deprived people and contribute his services. Let his offer be accepted and he shall do the community services by teaching the children of economically weaker sections/deprived people and contribute his services at time and place to be scheduled by the 10. Let the applicant be released on anticipatory bail, in the event of his arrest, on his furnishing Personal Bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the IO/SHO concerned subject to the following conditions:

.....”

(underlining supplied)

3. Respondent No. 2 – accused is alleged to have committed an offence under Section 313 and 376 of Indian Penal Code. Respondent No. 2 – accused had filed an application seeking anticipatory bail. The Trial Court by the impugned order had formed an opinion that

Respondent No. 2 was not entitled for concession of anticipatory bail. Once the Court had formed a view that applicant was not entitled for concession at that stage, the Court could have accepted the offer for community services to teach the children of economical weaker sections/deprived people and then enlarge Respondent No. 2 – accused on anticipatory bail. Having found no merit in the application, granting bail solely on the plea of community service, in a case involving sections 313 and 376 IPC, was completely unwarranted.

4. In view of the above, the later part of the order, directing release of respondent no. 2 on anticipatory bail, is quashed.

5. It is clarified that this Court has neither considered nor opined on the merits of the case of either side.

6. The petition is accordingly disposed of in the above terms.

7. Order *Dasti* under signatures of the Court Master.

APRIL 16, 2018
'rs'

SANJEEV SACHDEVA, J