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

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Judgment delivered on:16.10.2018

+ BAIL APPLN. 1335/2018

OMOKHOSIO

..... Petitioner

versus

STATE (GOVT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. B.C. Tyagi with Mr. Y.S. Chauhan and Ms. Jitendra Kaur, Advocates.

For the Respondents : Ms. Neelam Sharma, APP for State. SI Rajesh Kumar, PS Mehrauli.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

16.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.148/2018 under Section 308/34 IPC, Police Station Mehrauli, District South. Subsequently, Section 14 Foreigners Act has been added.

2. Allegations in the FIR are that the information was received that someone had been beaten. The Duty Officer went to the hospital

and found the injured. No name was disclosed by the injured at that time. In his subsequent statement he is alleged to have named the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and he has been informed that a letter has been sent by the victim to the Investigating Officer that the petitioner was not involved.

4. Learned APP for the State submits that the so-called letter has not been verified as the complainant is not traceable and since the letter was received by post, no credence can be given to such a letter.

5. With regard to Section 14 of the Foreigners Act, it is submitted by Ld APP that the VISA of the petitioner expired on 03.09.2012 and the petitioner overstayed for no cogent reasons.

6. Learned counsel for the petitioner has pointed out that the petitioner, during the pendency of these proceedings has applied for renewal of his passport and his passport has been renewed and he has also applied for extension of his VISA. Further, he submits that the petitioner is willing to leave the country in case the Authorities so permitted and/or, in the alternative, is willing to be deported.

7. Status report has been filed. The Investigating Officer has confirmed that the passport of the petitioner has been renewed. With regard to the extension of the VISA of the petitioner, the Investigating

Officer has reported that he has visited the FRRO Office at R.K. Puram and the Inquiry Officer has told him that an application for extension of VISA has been received and the same was under consideration and the VISA may be extended, in case, the petitioner were to deposit due penalty/fine for the extension of the VISA.

8. Learned counsel for the petitioner submits that requisite penalty/fee shall be deposited with the FRRO.

9. Keeping in view the totality of facts and circumstances of the case and in view of the fact that the passport of the petitioner has been renewed and he has applied for extension of visa, I am inclined to admit the petitioner to regular bail subject to the condition that the petitioner deposits the penalty/fee for the VISA extension, as required by FRRO.

10. In view of the above, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the trial court, the petitioner shall be released on bail, if not required in any other case. At the time of the consideration of the surety, the Trial Court shall also verify the factum of the deposit of the penalty/fee for visa extension. Petitioner shall surrender his passport to the Trial Court at the time of furnishing his bail bond. Petitioner shall not leave the country without the permission of the Trial Court.

11. Petitioner is stated to be a resident within the local jurisdiction

of Police Station Vasant Kunj, South. Petitioner shall report to the SHO of the concerned Police Station on first Saturday of every month. The petitioner shall also intimate the Trial Court as well as the Investigating Officer in case the petitioner changes his residential address. In case, of change of address, he shall report to the SHO of the concerned Police Station as directed herein above.

12. The bail application is disposed of in the above terms.

13. Order *dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J.

OCTOBER 16, 2018
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