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

+ CRL.M.C. 2819/2018

STATE (NCT) OF DELHI

..... Petitioner

Through: Mr. Ashish Dutta, APP for the State
with Inspector Dheeraj Singh, PS
DIU/NE.

versus

SHANKAR & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.10.2018

The case FIR No. 777/2017 was registered by police station New Usman Pur involving offences punishable under Sections 308/34 IPC against the three respondents at the instance of Dipankar Sharma. The first and second respondents who have been arrested on 05.08.2017 were enlarged on bail by the court of sessions dated 23.08.2017. The third respondent was similarly enlarged on bail by the court of sessions by order dated 05.09.2017. The State thereafter moved applications for cancellation of bail under Section 439 (2) Cr.P.C. on the ground the complainant had been subjected to threats. The applications to this effect were declined by the court of sessions. Thereafter, the State has come up with the present petition under Section 482 read with Section 439 (2) of the Code of Criminal Procedure, 1973 (Cr.P.C.) for similar relief.

The status report has been filed today.

Having regard to the averments in the petition and status report, it is noted that on 23.08.2017 FIR No. 795/2017 was registered by police station Nand Nagri at the instance of Dipankar Sharma alleging offence under Section 195 A IPC having been committed, he having been accosted by two persons on motorcycle and given threats to intimidate and deter him against opposing the request of the respondents for release on bail. The status report reveals that the case FIR No. 795/2017 has been closed with report of “untraced” having been submitted.

In these circumstances, it cannot be said that there is any cogent material available to infer that any threats were extended by the respondents requiring any action under Section 439 (2) Cr.P.C.

The petition is dismissed.

R.K.GAUBA, J.

OCTOBER 12, 2018

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