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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1373/2018

ALKA SINGH

..... Petitioner

Through

Mr.Avijeet Bhattacharjee, Mr.Ajoy Ghosh, Mr.Abhay Kant Mishra and Ms.Upma Srivastava, Advocates.

versus

STATE OF DELHI

..... Respondent

Through

Mr.Akshai Malik, APP for the State with SI Mousam Ghani, DIU

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

04.06.2018

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CrI.M.A. 11332/2018 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 1373/2018

The present application has been filed for the grant of anticipatory bail in FIR No.205/2018 u/s 302 IPC, PS New Ashok Nagar.

As per the FIR, initially a complaint was filed and the matter was dealt with under Section 174 Cr.P.C. and on the account that the viscera report had not been filed, nothing was done. Subsequently, a complaint under Section 156(3) Cr.P.C. was filed before the Court below and ultimately the High Court ordered for registration of the FIR under Section 302 IPC.

The petitioner had moved an application for the grant of anticipatory bail before the learned ASJ and after hearing the

arguments, the application was declined by the Court below vide order dated 23.05.2018 on the ground of requirement of custodial interrogation of the accused to unearth the truth.

Argument advanced by the counsel for the petitioner that the Court should look into the aspect whether the custodial interrogation is required or not, is not acceptable as the investigation is the domain of the Investigating Officer to conduct the investigation. This Court is of the considered opinion that investigation is the sole prerogative of the Investigating Officer and should not intervene not to have the custodial interrogation if the Investigating Officer considers it necessary for the investigation.

This Court is of the view that as the accused/petitioner is required for custodial interrogation, the accused/petitioner is not entitled for the concession of anticipatory bail.

Application is accordingly dismissed.

P.S.TEJI, J

JUNE 04, 2018
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