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

+ **BAIL APPLN. 2774/2018**

SAJAN

..... Petitioner

Through: Mr. Rakesh Sharma, Advocate with
Mr. Inderjit Verma, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Sachin Kumar, PS South
Campus

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.11.2018

The petitioner was arrested on 03.10.2018 during the course of investigation in case FIR No.201/2018 of Police Station South Campus involving offences punishable under Sections 354(B)/354(D)/323/341/506 of the Indian Penal Code, 1860 (IPC). The allegations primarily are that the petitioner had been stalking the complainant, he having boarded the bus in which she was travelling forcing her to talk and after misbehaving with her committed physical assault with sharp blade resulting in injury being suffered by her in two fingers of the right hand in the course of scuffle.

The investigation is stated to be now on the verge of completion and the report under Section 173 Cr.P.C. is likely to be filed in the near future. No useful purpose would be served by keeping the petitioner in custody. The petition is allowed. A case for release on bail is made out. Granted accordingly subject to the following conditions:-

(i). The petitioner shall furnish personal bond in the sum of Rs.20,000/- with one surety in like amount to the satisfaction of the trial court.

(ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court.

(iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.

(iv). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application is disposed of in these terms.

It is noted that the petitioner had earlier approached the court of Sessions by Bail Application No.3206/2018 which was dismissed by order dated 22.10.2018. It appears the bail jurisdiction was then being exercised on behalf of the Sessions Judge Mr. Sunil Rana, an officer of Delhi Higher Judicial Service who presently is posted as Special Judge (Prevention of

Corruption Act) dealing with the cases of Central Bureau of Investigation (CBI) at New Delhi District, Patiala House Court Complex. In the order dated 22.10.2018, the judicial officer, while dealing with the bail application, has referred to his powers and jurisdiction as one of Special Judge under Prevention of Corruption Act.

While dealing with the bail matters, the judicial officer was exercising the jurisdiction not under the Prevention of Corruption Act but as a court of Sessions. The judicial orders must always reflect the appropriate jurisdiction which is exercised by the court. Observations to this effect have been made and even circulated for strict compliance by all concerned in the past as well. But, it seems the same have had no effect. These observations will be again circulated by the Registrar General for strict compliance in future by an appropriate administrative order.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

NOVEMBER 27, 2018

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