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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2642/2017 & CRL.M.A. 532/2018**

RAHUL GUPTA

..... Petitioner

Through: Ms. Priya Sharma with Ms. Prithvi
Raj Chauhan, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for State.
Mr. Ashish Dahiya, Adv. for
complainant.

+ **BAIL APPLN. 2643/2017 & CRL.M.A. 534/2018**

GHANSHYAM DAS GUPTA

..... Petitioner

Through: Ms. Priya Sharma with Ms. Prithvi
Raj Chauhan, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Ashish Dutta, APP for State.
Mr. Ashish Dahiya, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.07.2018

As per the copy of the proceedings recorded on 25.05.2018 by the court of Additional Chief Metropolitan Magistrate, North-West, on the file concerning FIR No.233/2016 registered at Police Station Rani Bagh for the offences punishable under Section 420/34 IPC, the petitioners had deposited demand draft dated 25.05.2018 in the sum of Rs.10,71,000/- which had been

BAIL APPLN. 2642/2017 & 2643/2017

Page 1 of 3

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the physical file and no page is missing.

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taken on record. The directions to the petitioners by the order dated 22.12.2017 were that they would deposit composite amount of Rs.14,21,000/- i.e. 50% each as a pre-condition to protection against arrest subject to certain further conditions. The counsel for the petitioners points out that the amount deposited by demand draft on 25.05.2018 is the balance amount taking into account the amount already paid/deposited as recorded by the subsequent proceedings in these matters.

In above view and having regard to the facts and circumstances of the case and the investigating agency confirming that the petitioners have joined investigation, the petitions are allowed.

Thus, it is directed that in the event of they being arrested in the course of investigation into the FIR No.233/2016, Police Station Rani Bagh for the offence punishable under Section 420/34 IPC, they shall be released on bail by the arresting officer on furnishing personal bonds in the sum of Rs.20,000/- each with one surety in the like amount subject to the following further conditions:-

- (i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) They 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(v) They 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 they hold one, with the said court;

(vi) The amount paid by the petitioners to the complainant will be subject to further directions as may be deemed proper at the time of final adjudication into the case and the amount deposited with the court of cognizance shall be retained in the form of fixed deposit receipt in a nationalised bank initially for a period of six months with provision for auto renewal, the suitable directions about it to be released to be given at the time of final adjudication by the trial court.

This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

The petition stands disposed of in above terms.

Dasti, under the signatures of Court Master.


R.K. GAUBA, J

JULY 25, 2018

srb

BAIL APPLN. 2642/2017 & 2643/2017