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

+ **BAIL APPLN. 2313/2017**

MANIK KUMAR

+ **BAIL APPLN. 33/2018**

RAMESH KUMAR

.....Petitioners

Through: Mr. Arunav Tewari and Mr. Rakesh
Kumar Singh, Advocates

Versus

THE STATE GOVT OF NCT OF DELHI & ANRRespondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with SI
Ranveer Mavi
Mr. Amit Mehra, Advocate for
respondent No. 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

27.03.2019

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In the above captioned two applications for pre-arrest bail, petitioners are father and son, who had entered into an Agreement to Sell in respect of subject property and amount of ₹50,00,000/- was admittedly paid by the complainant to them. Before the trial court, pre-arrest bail was obtained by petitioners while undertaking to repay the aforesaid amount with interest. Since petitioners could not comply with the compromise of 21st April, 2016 entered into between the parties, therefore, vide order of 28th March, 2017 pre-arrest bail granted to petitioners stands cancelled by Sessions' Court. While entertaining this petition, interim order of 25th

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July, 2017 was passed, which reveals that in terms of settlement, a sum of ₹20,00,000/- has been received by the complainant and ₹27,00,000/- has been deposited by petitioners with the Registrar General of this Court and petitioners had undertaken to pay the remaining amount of ₹14,00,000/- to complainant.

It is evident from the last order that another sum of ₹1,00,000/- was deposited by petitioners with the Registrar General of this Court and it was undertaken that the balance of ₹13,00,000/- would be deposited with the Registrar General of this Court within two months. The said period has lapsed but the order of 19th December, 2018 has not been complied with. Learned counsel for petitioners submits that petitioners have been unable to arrange balance of amount of ₹13,00,000/-. In such a situation, no case for pre-arrest bail to petitioners on the basis of settlement is made out.

At this stage, petitioners' counsel submits that petitioners have a good case on merits and they be permitted to apply for bail on merits. Learned counsel for petitioners submits that petitioners will apply for pre-arrest bail afresh within a week from today.

In the facts and circumstances of this case, these two applications are disposed of, with liberty to petitioners to seek pre-arrest bail from Sessions' Court on merits.


(SUNIL GAUR)
JUDGE

MARCH 27, 2019

v