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

+ **BAIL APPLN. 2677/2019**

UCHE KINGSLEY IBUDE

..... Petitioner

Through: Ms. Sushma Sharma and Mr. Girish
Kumar Sharma, Advs.

versus

THE STATE

..... Respondent

Through: Mr. Hirein Sharma, APP for State
SI Sachin Pillania, PS – Defence
Colony

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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22.10.2019

CRL. M.A. 38902/2019

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2677/2019

Notice.

Learned APP accepts notice on behalf of State.

With the consent of the counsel for the parties, the present petition is taken up for final disposal.

Vide the present application, the applicant/accused seeks direction thereby to admit the petitioner on bail in case FIR No. 110/2019 registered at Police Station – Tigri for the offences punishable under Section 468/471 IPC by modification of order dated 30.09.2019 passed by this Court.

The case of the petitioner is that he came to India on a genuine passport and visa in the year 2009 and his arrival has been confirmed by the

FRRO. Further, the overstay period of the petitioner has been regularized by the FRRO as the petitioner has already paid one time penalty.

Learned counsel on behalf of petitioner submits that the petitioner is having clean antecedents and no other criminal record is available against the petitioner with any other police station or before any Court of law.

It is further contended that it is a well settled law that personal liberty is too precious a value of our Constitutional System recognized under Article 21 that the crucial power to negate it is a great trust exercisable not casually but judicially, with lively concern for the cost to the individual and the community. Deprivation of personal freedom must be founded on the most serious consideration relevant to the welfare objectives of society specified in the Constitution.

On the other hand, learned APP has opposed the present application by submitting that the visa subsequently recovered was found to be fake. Therefore, by filing the supplementary charge-sheet, the offences punishable under Sections 468/471 IPC have been added.

Since the petitioner has already been released on bail by this Court vide order dated 30.09.2019 in the same FIR, therefore in the interest of justice, I hereby direct the trial Court to admit the petitioner on bail on the same terms and conditions as were imposed by this Court in order dated 30.09.2019.

Application is accordingly allowed and disposed of.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

OCTOBER 22, 2019/PB