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

+ BAIL APPLN. 357/2019

TUSHAR ANURAGI

..... Petitioner

Through: Mr. Satya Prakash Gautam, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP

+ BAIL APPLN. 366/2019

MANOJ KUMAR

..... Petitioner

Through: Mr. Satya Prakash Gautam, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.02.2019

The two petitioners alongwith one another (Charan Singh) had approached the court of Sessions for release on anticipatory bail by bail applications (2244/2018, 2245/2018 and 2246/2018) in the context of FIR no.591/2018 of police station Karawal Nagar involving offences punishable under Sections 420, 406, 468, 120B, 34 IPC. The court of Sessions passed the following order on 31.12.2018 disposing of the said applications :-

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"31.12.2018

Pre: Mr. Tofeeq Ahmad, ld. Addl. PP for the State

Sh. Ram Kumar, ld. Counsel for accused / applicant.

IO is present.

Arguments on the bail applications heard and gone through the records.

It is argued by the ld. Counsel for accused that accused are in J/C and no custodial interrogation is required and no purpose shall be served to keep the accused persons behind the bars and application may be allowed.

On the other hand, ld. Addl. PP for the state vehemently opposed the application on the ground that accused persons / applicants made forgery on the cheque of complainant Ram Kishan and amount of Rs.4,80,000/- was got transferred on the basis of forged cheque, in the account of M K S Logistic from the account of complainant. It is further argued that FSL result is yet to be received.

In the facts and circumstances of the case and as the allegations against the accused are serious in nature therefore I am not inclined to grant bail to accused / applicants. The bail applications of accused / applicants are disposed off as dismissed."

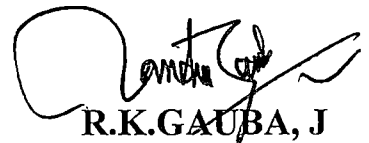
The counsel for the petitioners, as also the learned Additional Public Prosecutor for the respondent / State, confirm that the petitioners (as indeed the third person named Charan Singh) have not been arrested and so are not in custody. The counsel for the petitioners has shown a copy of the applications whereby prayer for release on anticipatory bail was made, it clearly showing that the petitioners had approached the said court apprehending arrest and not being in judicial custody. It is clear that the court of Sessions has not

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gone through the record, it having been misled for some reason or the other to believe that it was dealing with applications for regular bail.

The order dated 31.12.2018 of Additional Sessions Judge is set aside. The anticipatory bail applications of the petitioners are revived on the file of the court of Sessions which shall take them up for appropriate consideration on 27.02.2019. The petitioners are directed to appear before the court of Sessions accordingly.

Dasti under the signatures of the Court Master.



R.K. GAUBA, J

FEBRUARY 25, 2019

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