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

+ **CRL.M.C. 918/2019**

MOHAN JHA

..... Petitioner

Through: Mr. Aditya Wadhwa and Ms.
Harshitha Reddy, Advs.

versus

STATE & ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP for State
with Insp. Rakesh Kumar, DIU/SD.
Mr. Dhanesh Relan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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18.02.2019

By this petition, petitioner has assailed the orders dated 15.01.2019 and 06.02.2019 passed by the learned trial court. Vide order dated 15.01.2019, application for extension of interim bail was dismissed. Since petitioner did not appear before the trial court NBWs were ordered to be issued vide order dated 06.02.2019. A perusal of order dated 15.01.2019 shows that petitioner was granted interim bail vide order dated 21.06.2018, in view of the settlement having been arrived at between the petitioner and respondent no.2 (complainant) whereby petitioner agreed to pay ₹50 lacs to the respondent no.2. It is not in dispute that ₹17 lacs have already been paid and ₹33 lacs remains to be paid. Petitioner had failed to pay ₹33 lacs.

A perusal of order dated 15.01.2019 indicates that respondent no.2 (complainant) had agreed to grant some more time to petitioner to pay the remaining amount. However, trial court was not convinced by this concession given by the respondent no.2 and declined to extend the bail in view of breach of undertaking given by the petitioner on 21.06.2018 before the learned CMM.

Notice. Learned APP accepts notice. Respondent no.2 is also present in Court along with his counsel and accepts notice.

Learned counsel for the petitioner, on instructions, submits that ₹10 lacs will be paid to the respondent no.2 within two days and remaining amount of ₹23 lacs will be paid within two months thereafter. In view of these statements, with which petitioner shall remain bound, interim bail of petitioner, granted by the trial court vide order dated 21.06.2018, is extended on the same terms and conditions for two months, subject to petitioner paying ₹10 lacs to respondent no.2 within two day, that is, on or before 20.02.2019 and remaining amount of ₹23 lacs within two months. Impugned orders are set aside. It is made clear that in case petitioner fails to pay the amounts within the stipulated period his interim bail shall stand cancelled and petitioner shall surrender before the trial court. The first

instalment of ₹10 lacs shall be paid by the petitioner to respondent no.2 in the office of counsel for respondent no.2 at 04:00 p.m. and balance amount before the trial court on the date to be fixed by the trial court, in terms of this order.

Petition is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

FEBRUARY 18, 2019

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