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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 847/2019
MANOJ KUMAR Petitioner
Through: Mohd. Hasibuddin, Advocate.

versus

STATE Respondent
Through: Mr. Rajat Katyal, APP for the State.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **02.04.2019**

Crl. M. A. No. 6969/2019 (Exemption)

Exemption allowed, subject to just exception.

Application stands disposed of.

Bail Application No. 847/2019

The present application has been filed under Section 439 of Code of Criminal Procedure seeking **Regular Bail** in case FIR No. 464/2018 under Sections 420/468/471/506 of the Indian Penal Code registered at Police Station – Ambedkar Nagar, Delhi.

Notice. Learned APP for the State accepts notice.

Vide order dated 08.01.2019 passed by this Court, bail application No. 3097/2018 was dismissed as withdrawn by the petitioner with a direction that FSL report in respect of petitioner's signatures be prepared and the same furnished to the Investigating Officer, within eight weeks. Order dated 08.01.2019, reads as under:

“Petitioner's specimen signature alongwith his signatures on the Memorandum of Understanding (admitted document and the signatures thereon are

not disputed) has been sent to Forensic Science Laboratory, Chanakyapuri, New Delhi. Upon hearing, it is deemed appropriate to permit petitioner to withdraw this application with liberty to file fresh one, after the FSL report is received. Considering the fact that petitioner is in custody since 10th November, 2018, FSL Chanakyapuri, New Delhi is directed to ensure that FSL report in respect of petitioner's signatures is prepared and furnished to the Investigating Officer of this case, within eight weeks. With aforesaid directions, this application is disposed of."

The petitioner moved Crl. M. A. No. 4176/2019 seeking modification of order dated 08.01.2019, which was dismissed as withdrawn.

After expiry of eight weeks, the petitioner moved an application seeking bail before the Additional Chief Metropolitan Magistrate (South), Saket, New Delhi on the ground that eight weeks have been passed and FSL report has not been filed. The application of the petitioner was dismissed with following observation made by the Trial Court:

"I have noticed that on 08.01.2019, bail application was withdrawn before the High Court and High Court has stated that after the FSL report is received, fresh bail application may be moved. However, the counsel has not stated that the fresh application will be filed before the Trial Court. Therefore, the orders seem to be indicating that the fresh bail application was to be filed before the High Court by the accused and not before the Trial Court. Secondly, application for modification was moved which was also dismissed as withdrawn.

Learned counsel for the petitioner submits that the chargesheet has now been filed in Court and he may be permitted to withdraw the present application with liberty to file afresh in the Trial Court in view of the changed circumstances. Leave, as prayed, is granted.

Accordingly, the application is dismissed as withdrawn.

SANGITA DHINGRA SEHGAL, J

APRIL 02, 2019

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