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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5255/2019**
MAHESH CHAND GUPTA Petitioner
Through: Mr. Manish Srivastava & Mr.
Mayank Garg, Advocates

versus

STATE Respondent
Through: Mr. Amit Chadha, APP with SI
Sandeep Kumar, PS:Alipur,
Delhi
Counsel for the complainant
(name not given)

CORAM:
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **16.10.2019**

CrI.M.A.38228/2019 (for exemption)

Allowed, subject to all just exceptions. Application stands disposed of.

CRL.M.C.5255/2019 & CrI.M.A.38227/2019

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 against the order dated 3.10.2019 passed by the learned Additional Sessions Judge(North), Delhi in Bail Appn. No.2166/2019 titled State vs. Mahesh Chand in FIR No.370/2019, under Sections 420/406/34 of the Indian Penal Code, 1860 ('IPC'), registered at PS:Alipur, Delhi and the proceedings emanating therefrom.

2. Learned counsel for the petitioner submitted that condition No.(ii) in the aforesaid order that the applicant/accused shall deposit Rs.5,00,000/- within 5 days and the balance amount of Rs.10,00,000/- within four weeks from the order dated 3.10.2019 in the shape of FDR issued in favour of the court of learned MM, Rohini Courts, Delhi is unreasonable. Learned counsel for the petitioner further submitted that the total amount involved in the matter is about Rs.26,00,000/-.

3. Learned counsel for the complainant submitted that the petitioner, at the time of arguments when the order dated 3.10.2019 was passed, himself offered to deposit the aforesaid amount, though learned counsel for the petitioner disputes the same.

4. However, taking into consideration the amount involved in the matter, I do not find any unreasonableness in condition No.(ii) in the order dated 3.10.2019 that the applicant/accused shall deposit Rs.5,00,000/- within 5 days and the balance amount of Rs.10,00,000/- within four weeks from the date of that order in the shape of FDR issued in favour of the court of learned MM, Rohini Courts, Delhi.

5. At this stage, learned counsel for the petitioner submitted that he may be allowed to withdraw the petition, with liberty to deposit Rs.5,00,000/- by 20.10.2019 and the balance amount of Rs.10,00,000/- within ten weeks from the passing of the order dated 3.10.2019 of the learned Additional Sessions Judge.

6. Accordingly, the petition is dismissed as withdrawn, with liberty to the petitioner to deposit Rs.5,00,000/- by 20.10.2019 and the balance amount of Rs.10,00,000/- within ten weeks from the passing of the order dated 3.10.2019 of the learned Additional Sessions Judge. Pending application is also dismissed as withdrawn.

CHANDER SHEKHAR, J

OCTOBER 16, 2019

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