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

+ **CRL.REV.P. 503/2018 & CRL.M.A. 10659/2018**

VINISH MITTAL

.....Petitioner

Through: In person

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State
Mr. Nitish Mehra, Advocate for
respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
25.04.2019

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Petitioner chooses to argue this petition in person.

Petitioner has been granted bail in FIR No. 75/2018, under Section 420 of IPC, registered at police station Roop Nagar, Delhi vide order of 1st May, 2018 by the court below, subject to his depositing of sum of ₹15,00,000/- by way of FDR. Petitioner submits that the condition imposed upon him to make the aforesaid deposit is onerous and cannot be sustained.

Petitioner relies upon decisions in *Sumit Mehta vs. State (NCT of Delhi)* (2014) 6 SCC (Cri) 560; (2013) 15 SCC 570; *Amarjit Singh vs. State of NCT of Delhi* JT 20020(1) SC 291 & *Sheikh Ayub vs. State of M.P.* (2006) 1 SCC (Cri) 336 in support of above submissions.

Upon hearing and on perusal of order of 1st May, 2018 and the

decisions cited, I find that petitioner's bail application ought to be considered on merits without any rider to make any deposit. Impugned order of 1st May, 2018 stipulates that failure on the part of petitioner to make the aforesaid deposit, shall entail cancellation of his pre-arrest bail.

In the facts and circumstances of this case, it is deemed appropriate to set aside order of 1st May, 2018 while permitting petitioner to file a fresh application within two weeks from today and if it is so done, then the court concerned shall hear petitioner's application for bail afresh and to decide it on merits without any pre-condition of making any deposit. Such a course is being adopted without going into the aspect of reasonableness of the rider put by the concerned court. Needless to say, till petitioner's bail application is decided on merits, no coercive action be taken against him in this FIR case.

With aforesaid direction, this petition and the application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

APRIL 25, 2019

v