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

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Judgment delivered on: 03.05.2019

+ BAIL APPLN. 2804/2018

VIJAY KUMAR SINGH

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Ranjan Kumar, Advocate.

For the Respondent : Mr. Hirein Sharma, APP for the State.
SI Anuj, PS Crime Branch.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.163 of 2018 under Section 420/468/471 of the IPC, P.S. Crime Branch.

2. Allegations are that one Pappu Yadav, the co-accused, had promised to secure job in a Government Corporation for which he asked for Rs.3 lakhs. Part of the amount was deposited in his account and part of the amount was deposited in the account of the petitioner. As per the investigation, approximately Rs.1,55,000/- has been deposited in the account of the petitioner

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated. He submits that there is no allegation that petitioner ever

demanding any money or making any such assertion to any person. He further points out that the co-accused Pappu Yadav has already been admitted to anticipatory bail by the Trial Court and he has refunded the entire amount of Rs.3 lakhs to the complainant.

4. Learned counsel for the petitioner further submits that in case there is any outstanding amount to be refunded to the complainant, the petitioner is willing to pay the same without prejudice to his rights and contentions and without admitting his guilt.

5. Learned counsel for the petitioner further submits that the salary account of the petitioner has been attached by the Investigating Officer and the amount lying to the credit of the petitioner in the said account is in excess of Rs.4.5 lakhs and he has already approached the Trial Court for de-attachment of the said account.

6. Petitioner was granted interim protection by order dated 29.18.2018, subject to joining investigation.

7. Learned APP for the State, under instructions from the Investigating Officer, confirms that the petitioner has joined investigation.

8. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, I am satisfied that the petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 20,000/- with one surety of the like amount to the

satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything which may prejudice the investigation, trial or prosecution witnesses. Petitioner shall join the investigation as and when so required by the Investigating officer.

10. Further, it is directed that in case the Trial Court is inclined to lift the attachment on the account of the petitioner, the Trial Court shall ensure that at least a sum of Rs.1,55,000/- shall remain attached, which shall be subject to further directions to be issued by the Trial Court after trial.

11. It is further clarified that the application of the petitioner seeking lifting of the attachment shall be considered by the Trial Court in accordance with law without being influenced by anything stated in this order, excepting to the limit of attachment, as directed hereinabove.

12. Petition is allowed in the above terms.

13. Order *Dasti* under signatures of the Court Master.

MAY 03, 2019
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SANJEEV SACHDEVA, J