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

+ **CRL. M.C. 1471/2020, CRL.M.A. 6177/2020**

PAWAN DUBEY Petitioner
Through Mr Tarun Khanna, Advocate.

versus

STATE (GBCT IF DEKGU) & ANR. Respondents
Through Ms Neelam Sharma, APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.05.2020**

1. The petitioner has filed the present petition under Section 482 Cr.p.c. read with Section 439 (2) Cr.p.c. seeking to impugn an order dated 23.04.2020 passed by the learned Metropolitan Magistrate granting interim bail to respondent no.2 in FIR No. 47/2018 under Section 406/420/34 of IPC registered with P.S. EOW Cell.
2. The learned counsel appearing for the petitioner contends that the impugned order was passed pursuant to an application for seeking interim bail on the ground of the prevalent pandemic and the decision of the High Powered Committee of this Court. He submits that the decision of the High Powered Committee does not apply in cases of economic offences.
3. A status report has been filed wherein it is asserted that the IO had no notice of the said application and the impugned order has been passed in absence of providing the State any opportunity to oppose the interim bail.

4. A perusal of the impugned order indicates that respondent no.2 has been granted bail not on the grounds of the decision of the High Powered Committee, but on the ground that no purpose would be served by keeping the accused (respondent no.2) in custody since the investigation has already been completed.

5. The impugned order also indicates that the reply filed by the IO was perused. However, the learned counsel for the State contends that no such reply was filed and the order is *ex-facie* erroneous.

6. Since only interim bail has been granted for 45 days, this Court does not consider it apposite to interfere with the order at this stage. However, considering the contention that the impugned order is *ex-facie* erroneous and had been passed without any notice to the State, this Court considers it apposite to grant opportunity to the State as well as the petitioner to approach the concerned M.M. for rectification/recall of the said order. It is clarified that in case any such application is filed, the learned M.M. shall consider the same on merits and take an informed view.

7. The present appeal is dismissed with the aforesaid observations.

VIBHU BAKHRU, J

MAY 13, 2020

pkv