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

+ BAIL APPLN.1200/2020
CRL. M. (BAIL) 7365/2020 (interim anticipatory bail/stay of arrest)
CRL.M.A.7453/2020 (exemption)

NITESH KUMARPetitioner
Represented by: Mr.Dharmender Bhan, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Represented by: Ms. Neelam Sharma, APP for State
with SI Sanjay Kumar.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
10.06.2020

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The hearing has been conducted through Video Conferencing.

CRL.M.A.7453/2020 (exemption)

Exemption allowed subject to just exceptions.

BAIL APPLN.1200/2020 & CRL. M. (BAIL) 7365/2020

1. The two bail applications seeking anticipatory bail and interim anticipatory bail are not accompanied by the affidavits.
2. Learned counsel for the petitioner at the outset seeks leave to file an application seeking exemption from filing the affidavits. The same be filed before the next date of hearing.
3. By this petition the petitioner seeks anticipatory bail in case FIR No. 21/2020 under Section 380 IPC registered at PS Prasad Nagar.
4. Learned counsel for the petitioner submits that the petitioner was

known to the complainant whose case is that she left the house after 12.00 Noon to get back her son from her parent's house and reached back at 3.00 PM when she found the locker of the almirah opened and the jewellery taken away from.

5. Learned counsel for the petitioner states that the petitioner has no concern whatsoever with the offence and the only reason why the petitioner has been implicated was that the petitioner who is residing in vicinity was seen going through that lane between 12.00 Noon and 3.00 PM as per the CCTV footage. However, there is no material in the CCTV footage to show that the petitioner entered the house of the complainant or came out of the said house with jewellery in his hands or with any articles.

6. Learned counsel for the petitioner further contends that after the registration of the FIR the petitioner was being harassed by his earlier counsel as well as the earlier investigating officer who were demanding the bribe constraining the petitioner to file a complaint before CBI wherein the earlier counsel for the petitioner as well as the earlier officer have been caught red handed for which a RC has been registered by the Anti Corruption Branch, CBI.

7. The petitioner has filed an anticipatory bail application before the learned Trial Court wherein though interim protection was granted, however finally the anticipatory bail application was dismissed with the observation that as and when the petitioner is required to be arrested, permission shall be obtained from the concerned Deputy Commissioner of Police.

8. Learned counsel for the petitioner states that the petitioner would never know when permission is taken, thus he has an apprehension of being arrested and in view of this apprehension the petitioner has filed the present

application seeking anticipatory bail, as also an application seeking interim protection till the bail application is decided.

9. Notice. Learned APP for the State accepts notice.

10. Learned APP on instructions from SI Sanjay Kumar the investigating officer who is also present during the video conferencing states that since the learned Additional Sessions Judge has already directed that as and when arrest of the petitioner is required to be made, permission will be taken from the concerned DCP; the petitioner will be given 7 days prior notice in case arrest is required to be affected so that the petitioner can avail the remedy of approaching this Court by way of an anticipatory bail if so desired.

11. Consequently, it is directed that in the event the investigating agency has sufficient material justifying the arrest of the petitioner and permission in this regard is granted by the DCP, a notice will be given to the petitioner indicating that 7 days time is available to him before arrest wherein he can avail the remedy of filing the anticipatory bail.

12. Applications are disposed of.

13. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JUNE 10, 2020

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