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

+ **BAIL APPL. 1687/2020**

RAM CHANDER KHATRIApplicant

Through: Mr. Jai Prakash, Adv.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Tarang Srivastava, APP for the
State alongwith S.I. Sandeep Nandal.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **17.09.2020**

The applicant, who is an accused in case FIR No. 274/2020 dated 23.06.2020 registered under sections 452/354/385/34 IPC at PS : Alipur, seeks anticipatory bail under section 438 Cr. P.C.

2. Notice in this application was issued on 14.07.2020.
3. Status report dated 04.08.2020, which is stated to have been filed and was forwarded to this court *via* e-mail on the last date, is still not on record.
4. Let the status report be traced and brought on record.
5. Briefly, Mr. Jai Prakash, learned counsel appearing for the applicant submits that the applicant is a journalist, who alongwith co-accused persons, was attempting to do an *exposé* of a 'fake' factory where salt, tyres and tubes are allegedly manufactured and packaged under known brand names, illegally.

6. Mr. Prakash contends that the FIR was filed making false charges against the applicant by the complainant to prevent his illegal operations from being exposed. Counsel further points-out that in fact the co-accused had informed the Deputy Commissioner of the area about the illegal factory and had also made complaint dated 23.6.2020 in that behalf to the concerned SHO.
7. By order dated 05.08.2020, this court had granted to the applicant interim protection by way of a direction that no coercive steps shall be taken against the applicant, subject to the applicant fairly joining investigation as and when called by notice under section 41A Cr. P.C.
8. Mr. Tarang Srivastava, learned APP appearing for the State, on instructions of the Investigating Officer (IO)/S.I. Sandeep Nandal, confirms that against notices issued to him, the applicant joined investigation on 12.08.2020, 13.08.2020, 14.08.2020 and 17.08.2020 and has also cooperated in the matter. Mr. Srivastava submits however that the applicant refused a TIP; only to add, that such refusal would have its own consequences subsequently during trial.
9. Mr. Srivastava also states, on instructions of the I.O., that custodial interrogation of the applicant is not required. Mr. Srivastava however points-out that since the applicant resides in the same locality as the complainant, the complainant has expressed apprehension that the applicant may threaten or harm the complainant or other witnesses who may be acquainted with the facts of the case.
10. In the circumstances, considering the submissions made on behalf of the State, this Court is persuaded to direct that in the event of his

arrest, the applicant shall be released on bail by the I.O./SHO, subject to the following conditions :

- a. The applicant shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Thousands) with 01 surety of the like amount from a family member, to the satisfaction of the I.O./SHO;
 - b. The applicant shall furnish to the I.O./SHO, a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - c. If the applicant has a passport, he shall also surrender the same to the I.O./SHO; and
 - d. The applicant shall not contact, nor visit, nor offer any inducement threat or promise to the first informant/complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending investigation or the subsequent trial.
11. Nothing in this order shall be construed as an expression on the merits of the pending investigation or the subsequent trial.
 12. The bail application is disposed of in above terms.
 13. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 17, 2020

tp/uj