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

+ **BAIL APPLN. 406/2024, CRL.M.A. 9618/2024**

SUBHASH KUMAR @ KHADDA

.....Petitioner

Through: Mr. Pankaj Kapoor, Mr. Nikhil Behri,
Mr. Deepak Sharma, Mr. Aniket
Arora, Advs.

versus

STATE (N.C.T. OF DELHI)

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with ACP Vijay Singh, SDPO/PB

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.10.2024

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The present bail application has been filed under Section 21(3) Maharashtra Control of Organised Crime Act, 1999 r/w Section 438 of Criminal Procedure Code, 1973 for seeking grant of anticipatory bail in case FIR no. 397/2019 registered under Section 3/4 of MCOC Act at PS: Hari Nagar.

Learned APP for the State has submitted that the process under Section 82 Cr.P.C. has already been initiated against the petitioner.

Learned counsel for the petitioner submits that he has moved an application for recall of the process under Section 82 Cr.P.C.,

Since the process under Section 82 Cr.P.C. has been initiated, this Court is of the considered view that first let the Trial Court decide the matter under Section 82 Cr.P.C. for recall the process.



In view of above, the present application is dismissed with a direction to the Trial Court to decide the application for recall of the process under Section 82 Cr.P.C. within a time bound manner without being influenced by the dismissal of the present application.

However, it is made clear that this court has not gone into the merits of the case and no expression made herein shall tantamount to be an expression on the merits of the case.

Learned Trial Court shall decide the application for recall the process under Section 82 Cr.P.C. in accordance with the law.

DINESH KUMAR SHARMA, J

OCTOBER 9, 2024
JN/KR..