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

+ **CRL.M.C. 864/2024**

MADHESH @ MADHO

..... Petitioner

Through: Mr.Naveen Gaur, Mr.Kaushlender
Singh and Mr.Vijay Kumar,
Advocates

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Ajay Vikram Singh, APP.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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05.02.2024

CRL.M.A. 3454/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 864/2024, CRL.M.A. 3455/2024

1. Petition under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for cancellation of bail granted to respondent No.2 vide order dated 18.05.2021 in FIR No. 834/2020 under Sections 307/34 IPC & Sections 25/27 of the Arms Act, registered at P.S.: Dabri, Delhi.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that an application for cancellation of bail under Section 439(2) Cr.P.C. was preferred before the learned trial court challenging the order granting bail to respondent No.2 on



18.05.2021. However, vide order dated 26.10.2023, the aforesaid application was dismissed by the learned trial court since the matter was not pursued by the petitioner. He further submits that the complainant/injured in the present FIR apprehends concern of his safety since respondent No.2 who is a gangster, on arrest in FIR No.292/2023 under Sections 25/27 of the Arms Act, registered at PS Special Cell has disclosed conspiracy to kill the complainant.

4. Considering the fact that the application preferred on behalf of the petitioner under Section 439 (2) Cr.P.C. has been dismissed only on the grounds of non-prosecution, it shall be appropriate that the aforesaid application be considered by the learned trial court afresh on merits, after duly issuing the notice to respondent No.2.

Petition is accordingly disposed of. Pending applications, if any, also stands disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

Nothing stated herein shall tantamount to expression on merits of the petition.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 5, 2024/v