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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1757/2023 and CRL.M.A. 19864/2023
SEEMA TOKAS Petitioner
Through: Mr. Pradeep Sehrawat, Advocate

versus

STATE GOVT OF GNCT OF DELHI Respondent
Through: Mr. Sanjeev Sabharwal, APP for State
Mr. K.S. Choudhary, Advocate for
Applicant in Impleadment
Application

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.01.2024

1. By way of present petition filed under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure 1973 (hereinafter referred to as 'Cr.P.C'), petitioner seeks to assail the order dated 05.01.2023 passed by the learned CMM, Patiala House Courts, New Delhi, whereby her application seeking release of the FDRs/pay orders lying deposited with the Court was dismissed.
2. The facts in a nutshell are that one Vikram Tokas, brother-in-law of the present petitioner was arrested in FIR No.89/2018 registered under Sections 420/405/506/34 IPC at P.S. RK Puram (South)/EOW. *Vikram Tokas* preferred an application seeking interim bail. The learned CMM, while granting interim bail vide order dated 07.11.2019, noted the submissions of the learned counsel for the accused that the accused sought release on medical grounds as well as the promise to settle the matter with the victims. To show his bonafide, the father of the accused deposited a



demand draft of Rs.5 lacs for payment to the victims. The demand draft was deposited in the Court and the accused was released on interim bail for a period of 20 days. Apparently, on 06.12.2019, a demand draft of Rs.8 lacs and on 06.01.2020, another demand draft of Rs.4 lacs were deposited towards the settlement.

3. During the pendency of the proceedings, the accused expired on 04.03.2020 and the proceedings were abated qua him vide order dated 30.09.2022. Subsequently, the petitioner, being the sister-in-law, filed an application for release of the said amounts. 14 out of 27 victims also filed an application for release of the amounts lying deposited with the Court. Learned CMM dismissed the application filed by the petitioner stating that the aforesaid demand drafts were deposited towards the settlement. The application filed by 14 victims also came to be dismissed, by observing that there were a total of 27 victims. The petitioner has contended that Vikram Tokas was admitted to interim bail on medical grounds and thus on proceedings having been abated against him, the amounts deposited in Court ought to be returned back to the family of the accused.

4. A copy of the order dated 07.11.2019 has been placed on record. A perusal of same reveals that it was noted in no uncertain terms that the accused had offered to settle the matter. The concerned Court therefore granted him interim bail, taking into account the offer of settlement. Even on later dates, the accused deposited further amounts with a clear indication of settling the disputes with all the victims.

5. In the opinion of this Court, the learned CMM has rightly dismissed the application as the abatement of proceedings qua the accused would not ipso facto wipe out the offer of settlement made before the Court on which



basis the accused enjoyed the protection of interim bail.

6. In view of the above, the petition is dismissed alongwith the pending application with a direction to the learned CMM to release the amounts proportionately to the 27 victims.

MANOJ KUMAR OHRI, J

JANUARY 25, 2024

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