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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1445/2022 & CRL.M.A. 6262/2022, CRL.M.A. 8706/2022**
MS MARG REALCON PRIVATE LTD

..... Petitioner
Through: Mr.Manav Vohra and
Mr.Prateek Khanna, Advs.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents
Through: Ms.Nandita Rao, ASC (Crl.)
with Insp. Abhishek Mishra

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
15.05.2024

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1. This petition has been filed under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for cancellation of bail that was granted to the respondent no.2 *vide* Order dated 02.03.2021 passed in Bail Appln.3096/2019 titled ***Kapil Rastogi v. State (NCT of Delhi)*** in FIR No.173/2017 registered at Police Station: EOW, West, Delhi under Sections 406/420/120B of the Indian Penal Code, 1860.
2. This Court by the abovementioned order had granted bail to the respondent no.2 *inter alia* observing as under:

“10. Thus, considering the documents annexed with the petition as also the petitioner has been in custody for 9 months; the chargesheet has since been filed, the petitioner is herein granted regular bail on his executing a



personal bond of Rs.5 lacs with one local surety in the like amount to the satisfaction of the Trial Court/Duty MM. The petitioner is also directed to provide his contact number/address to the SHO of the concerned police station as also he shall keep open his location application in his mobile at all time.”

3. The learned counsel for the petitioner submits that earlier in the same proceedings, *vide* Order dated 02.07.2020 passed in CRL.M.A. 8571/2020 in Bail Appln. 3096/2019, the respondent no.2 had been released on *interim* bail for a period of 45 days including on the condition that the respondent no.2 would not dispose of or otherwise alienate the properties forming subject matter of the charges against him, without the leave of this Court. He, however, fairly admits that the allegation of disposal of the property against the respondent no.2 is not during the period of his release on *interim* bail.

4. Further, in the final order dated 02.03.2021, there was no such condition put on the respondent no.2.

5. Even otherwise, I am informed that the respondent no.2 is appearing before the learned Trial Court and there is no allegation of him having otherwise violated the conditions of the bail.

6. In view of the above, the present petition is disposed of as being without merit. The pending applications also stand disposed of.

NAVIN CHAWLA, J

MAY 15, 2024/ns

[Click here to check corrigendum, if any](#)