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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1230/2023 & CRL.M.(BAIL) 657/2023**

UMESH JADHAV

.....Applicant

Through: Mr. Rishi Raj Singh, Adv.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh,
APP for the State along
with Ms. Saniya Gupta,
Mr. Jatin Kapoor, Mr.
Sahil Malik, Mr. Nikhil
Yadav, Advs.
SI Yashpal Singh, PS
Farsh Bazar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

11.07.2024

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1. The present application is filed seeking grant of pre-arrest bail in FIR No. 173/2022 dated 26.02.2022, , registered at Police Station Farsh Bazar for offences under Sections 420/34 of the Indian Penal Code, 1860.

2. It has been pointed out that the present application was filed way back in the month of March, 2023. The complainant and the applicant have also since settled the dispute with the intervention of the Delhi High Court Mediation and Conciliation Centre.

3. It is not disputed that the part payment pursuant to the settlement has also been made. The complainant was represented through a counsel who had appeared on the last date of hearing and had not disputed that the parties have settled all their

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disputes, and the learned counsel for the applicant had also on instructions given an undertaking that the applicant would fulfil all the conditions as mentioned in the settlement.

4. It is relevant to note that the proceedings in regard to Section 82 of the Code of Criminal Procedure, 1973, ('CrPC') were initiated against the applicant in the month of May, 2023.

5. The Apex Court in the case of ***State of Madhya Pradesh v. Pradeep Sharma* : 2014 2SCC 171** and in a subsequent judgment in the case of ***Prem Shankar Prasad v. State of Bihar* : (2022) 14 SCC 516** has observed that a person who has been declared offender is not entitled to get pre-arrest bail. A person who is not following the process of law and is deliberately avoiding the investigation has been restrained from approaching the Court seeking discretionary relief.

6. It is not disputed that the applicant prior to initiation of proceedings under Section 82 of the CrPC had already approached this Court by filing an application under Section 438 of the CrPC. The applicant, thus, had availed of the remedies as available under the CrPC in order to protect his liberty.

7. As noted in the order dated 08.07.2024, the parties have already settled their disputes. The FIR was registered under Section 420/34 of the Indian Penal Code, 1860 (IPC) and the offence under Section 420 of the IPC is compoundable in nature.

8. In view of the above, no purpose would be served by keeping the present application pending.

9. It is directed that the applicant, in the event of arrest, be admitted on bail on furnishing a bail bond for a sum of ₹50,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

i. The applicant shall comply with the terms of the
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settlement.

- ii. The applicant shall join and cooperate with investigation as and when directed by the Investigating Officer;
 - iii. The applicant shall not leave the country without the permission of the learned Trial Court;
 - iv. The applicant shall not tamper with the evidence in any manner whatsoever;
 - v. The applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
 - vi. The applicant shall provide his residential address to the concerned IO/SHO and shall not change the same without informing the IO/SHO.
10. The State as well as the complainant are at liberty to file an application seeking modification of the present order in case the applicant is found violating any of the conditions as imposed in the present order.
11. The application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

JULY 11, 2024
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