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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3260/2023**

SANJAY GUPTA

..... Petitioner

Through: Mr. Ankit Rana and Mr. Tushar
Rohmetra, Advocates.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Rahul Malik, P.S. Maurya
Enclve and SI Vipin Rathi, P.S. Tigri.
Mr. C.L. Gupta and Mr. Vaibhav
Gupta, Advocates for respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.04.2024

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1. By way of present petition filed under Section 439(2) read with Section 482 Cr.P.C., learned counsel for the petitioner seeks cancellation of bail granted by the Trial Court to the respondent No.2 vide order dated 22.03.2023.

2. A perusal of the order dated 08.05.2023 would show that while issuing notice, it was noted that present petition is premised only on the ground that petitioner was granted no opportunity to address arguments. During the course of submissions, learned counsel has additionally argued that there was no change in circumstances when bail was granted to respondent No.2. It is also submitted that the earlier bail application was dismissed as withdrawn on 21.12.2022 whereafter, the impugned order came



to be passed on 22.03.2023.

3. Mr. Gupta, learned counsel for respondent No.2 says that his first application was simply dismissed as withdrawn and there was no detailed order. He further submits that impugned order was passed on the merits of the case.

4. A perusal of the order would show that on 21.12.2022 learned counsel for the applicant had sought permission to withdraw the application. The second application was filed and considered on merits of the case. A perusal of the impugned order would show that the same not only records the presence of counsel for the complainant but also records the fact that the said bail application was opposed by the learned APP for the State and also by the counsel for the complainant.

5. Considering that the bail of the respondent No.2 was considered on merits after hearing the learned counsel for the applicant, I find no ground to entertain the present petition consequently the same is dismissed.

MANOJ KUMAR OHRI, J

APRIL 5, 2024

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