



\$~45

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 4601/2023

ANIL KUMAR CHAUDHARY

.....Petitioner

Through: Mr. H.S. Phoolka, Sr.
Advocate with Ms. Shilpa
Dewan & Ms. Surpreet
Kaur, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Manoj Kumar (P.S.
AEKC Crime Branch).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

26.09.2024

%

1. The present petition is filed challenging the order dated 24.12.2022 passed by the learned Additional Sessions Judge ('ASJ'), Saket Court, New Delhi whereby Respondent No.2 was admitted on bail in FIR No. 227/2019.

2. The learned Senior Counsel for the petitioner submits that the only reason for admitting Respondent No.2 on bail was that the co-accused persons had already been granted bail on an earlier occasion and Respondent No.2 was given the benefit of parity.

3. He submits that Respondent No.2 was admittedly involved in sixteen criminal cases, and is a bad character.

4. He submits that it is settled law that the antecedents of the accused is a relevant factor that has to be kept in mind by the Court while considering the application for bail.

5. Undisputedly, an accused having such criminal antecedents cannot be released on bail purely on the ground of



parity. The persons who are found to be involved in multiple offences, to some extent, are a threat to society. However, it cannot be disputed that the bail was granted way back on 24.12.2022 and the challenge to the same was made by the petitioner in the month of July, 2023.

6. The learned counsel for Respondent No.2 disputes the averment that Respondent No.2 is a bad character or is involved in any other crime.

7. He submits that he has been falsely implicated in all those cases.

8. Respondent No.2 was taken in custody on 07.08.2019 and was granted bail after he had spent much time in custody.

9. It is not the case of the prosecution that Respondent No.2 pursuant to his release has misused the liberty granted to him or has violated any other conditions imposed by this Court.

10. He has also been appearing before the learned Trial Court regularly.

11. It is also not alleged by the prosecution that pursuant to his release, he has been involved in any other crime.

12. In view of the above, this Court at this stage does not find any reason to interfere with the impugned order admitting Respondent no. 2 on Bail.

13. The State as well as the complainant are at liberty to file an application seeking cancellation of Bail in case the accused is found violating any of the conditions of bail as imposed by the learned Trial Court.

14. The petition is therefore dismissed.

AMIT MAHAJAN, J

SEPTEMBER 26, 2024/‘Aman’