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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5230/2022

SHAILESH BHANDARI

..... Petitioner

Through: Mr.Saurabh Soni, Mr.Mannat
Singh, Mr.Manoj Loomba and
Mr.Sanjeet Kr. Thakur, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms.Priyanka Dalal, APP with SI
Satyam Pandey
Mr.Narender Singh Yadav and
Mr.Manu Prakash Upadhyay,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

28.02.2024

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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 the Bail that was granted to the respondent no.2 vide judgment dated 08.09.2022 passed by this Court in Bail Appln. 2396/2022, titled *Sidhharth Mukesh Bhandari v. State of NCT of Delhi*.

2. This Court vide its judgment dated 08.09.2022 had, *inter alia*, taken note of the fact of the pending company litigation that has been initiated by the respondent no.2, and while granting Anticipatory Bail to the respondent no.2 in FIR No.93/2022 registered at Police Station: Lodhi Colony, South-East District, Delhi, made it subject to following conditions:

“(i) The applicants shall join the investigation as and when they are directed to do so.

(ii) The applicants shall not directly or indirectly try to get in touch with the complainant or any



other prosecution witnesses or tamper with the evidence.

(iii) *In case of change of residential addresses/contact details, the applicants shall promptly inform the same to the concerned Investigating Officer/SHO.*

(iv) *The applicants shall regularly appear before the Trial Court as and when the charge sheet is filed against them.*

(v) *The applicants shall not leave India without previous permission of this Court. They would surrender their passport forthwith.*

(vi) *The applicants would render all assistance in securing the Original Power of Attorney and in case, at any stage of the investigation, if they are able to locate it, the same would be produce before the Investigating Officer without any delay.*

(vii) *The complainant/State would be at liberty to file an appropriate application in case, it is found that the applicants are in contravention of any of the terms and conditions imposed by this court.”*

(Emphasis supplied)

3. The present petition has been filed seeking cancellation of the Bail granted in favour of the respondent no.2, by stating that the respondent no.2 along with his goons entered the chamber of the petitioner on 01.10.2022 and created a ruckus. He also threatened the staff and the petitioner of dire consequences.

4. On 07.02.2024, the learned counsel for the respondent no.2 submitted that the respondent no.2 was merely exercising his right to visit the registered office of the Company, however, he shall be filing an unconditional and unqualified apology for the incident that had taken place and undertakes that the same shall not be repeated under any circumstances. An affidavit dated 15.02.2024 has now been filed by the respondent no.2.



5. The learned counsel for the petitioner submits that the said affidavit is conditional in nature, inasmuch as, it also states that the respondent no.2 has a right to enter the premises of the company. He submits that the affidavit also refers to a Civil Suit filed by the petitioner herein, wherein an *interim* prayer made by the petitioner for restraining the respondent no.2, his father, and other related persons made defendants therein, from entering the premises of the company has been rejected by the learned Court. He submits that this itself shows that the respondent no.2 shall again make an attempt to make contact with the petitioner and threaten him.

6. The learned counsel for the respondent no.2 submits that the reference to the above Civil Suit has been given only to show that in the garb of the present petition, the petitioner is seeking to gain a relief which he failed to get in the said Civil Suit.

7. I need not enter into the above controversy for the purposes of the present petition. The conditions on which the Bail has been granted to the respondent no.2 have been reproduced hereinabove. The respondent no.2 is hereby warned that any violation of these conditions would result in the cancellation of Bail and the respondent no.2 shall not be entitled to seek any further indulgence of this Court in case there is any violation of the conditions.

8. For the present, accepting the apology tendered by the respondent no.2, the present petition is disposed of.

NAVIN CHAWLA, J

FEBRUARY 28, 2024/ns/AS

Click here to check corrigendum, if any