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

+ **CRL.M.C. 7172/2023**

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..... Petitioner

Through: Mr. Raj Kumar, Advocate

versus

STATE & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State with
SI Rekha

Mr. Lokesh Kumar Mishra, Mr. Himanshu Sharma,
Mr. Haider Khan, Mr. Sumit Mavi, Mr. Sahibe
Alam, Mr. Devansh Sehgal, Mr. Nadeem Ahmad
and Mr. Abdullah, Advocates for respondent No.2
with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks setting aside of the order dated 24.07.2023 passed by the learned ASJ vide which the trial court has disposed of the application filed on behalf of petitioner/complainant seeking cancellation of bail granted to respondent No.2.
2. The complainant/petitioner had preferred the application on the ground that respondent No.2 had violated one of the bail conditions inasmuch as he had gone to Dubai without seeking prior permission.
3. Learned counsel for the petitioner/complainant submits that though



the trial court had imposed fine of Rs.5,000/- however, it ought to have cancelled the bail.

4. Learned APP for the State submits that while granting bail, it was directed that the applicant shall not leave the area of NCR without express permission of trial court, except in emergent situation. He further submits that respondent No.2 had earlier also violated the conditions and was warned.

5. Learned counsel for respondent No.2 states that respondent No.2 had an emergency, on account of which he had to take the aforesaid travel and to allay fear, respondent No.2 volunteers to surrender his passport to the Investigating Officer. He further submits that respondent No.2 undertakes not to violate any of the conditions in future.

6. Notably, respondent No.2 was directed to be released on regular bail vide order dated 08.06.2017 passed by the learned Sessions Court. The bail was granted subject to certain conditions, the relevant one for the purpose of the present petition being condition No.(a) which is reproduced hereunder:

‘(a) Applicant/accused shall not leave the area of NCR without express permission of trial court, except in emergent situation. In emergent situation, he shall intimate and seek further permission from the court through his authorized representative/counsel to leave the area of NCR.’

7. Considering that respondent No.2 has volunteered to surrender his passport to the Investigating Officer, the interest of justice would be met in case the fine imposed by the trial court is enhanced to Rs.10,000/- to be paid within two weeks from today.

8. The petition is disposed of in the above terms.



9. Needless to state that the order passed by this Court will not come in the way of respondent No.2 to seek permission in case required, which shall be considered by the trial court in accordance with law.

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2024

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