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

+ **BAIL APPLN. 2445/2024, CRL.M.(BAIL) 1166/2024**

SHIVAM SAURAV

.....Petitioner

Through: Counsel(Appearance not given)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Ravi Shankar PS Patel Nagar

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **16.07.2024**

CRL.M.A. 20539/2024(for exemption)

1. For the reasons stated therein, the application is allowed.
2. The Application is accordingly disposed of.

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3. The present Anticipatory Bail Application has been under Section 484 of the BNSS, 2023 in FIR No. 260/2021 under Section 379 and 420 IPC has been filed.
4. It is submitted in the application that according to the case of the Prosecution, the complainant had contacted the applicant herein telephonically *vide* Whatsapp during Covid 19 and mentioned that she needs one oxygen cylinder for her *Massi*. The applicant somehow arranged one oxygen cylinder despite the limited availability of the same. The applicant received the sum of Rs. 10,000 from the complainant as the payment towards the oxygen cylinder.



5. However, the cylinder could not be delivered to the residence of the complainant because of increased demand of cylinder and distance between the applicant's place and the complainants. It is submitted that the non delivery of the oxygen cylinder was for reason stated therein.

6. The Applicant is residing at his permanent residence and is studying for Chartered Accountancy. He has received a Notice from the Police and is apprehensive of the arrest and thus the present Application for Anticipatory Bail has been filed.

7. Learned APP has opposed the Bail on the ground that similar 37 bank entries have been found in the Account of the Petitioner and require further investigation, though it is correct that no other person other than the complainant has come up with such a complaint. It is also submitted that the petitioner is avoiding to join the investigation and the proceedings under Section 82 Cr.P.C have already been initiated against him.

8. Submissions heard.

9. The allegations against the petitioner are of taking Rs.10,000 to supply an oxygen cylinder and filing to do so.

10. Considering the nature of allegations, , it is directed that in the event of his arrest, the petitioner shall be released forthwith, with the following conditions:-

a) The petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer.

b) The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall



not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

c) The applicant shall join the investigations as and when directed by the IO.

d) The applicant shall produce all the requisite information, documents in his power and possession, as and when directed by the Investigating Officer.

11. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 16, 2024/PT