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

+ **CRL.M.C. 2549/2024**

STATE

..... Petitioner

Through: Mr. Utkarsh, APP for the
State with Mr. Arjun
Singh, Adv. with SI Neeraj
Kumar and HC Sanjeev,
PS Subhash Place.

versus

SUMAN BENIWAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

01.04.2024

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1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973, challenging the order dated 01.09.2021 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge ('**ASJ**'), North West District, Rohini Courts, New Delhi, in Bail Application no. 3165/2021.

2. The learned ASJ had granted anticipatory bail to the respondent in FIR No. 288/2020 dated 08.05.2020, registered at Police Station Subhash Place, for offences under Sections 454/323/506/34 of the Indian Penal Code, 1860.

3. The learned Additional Public Prosecutor for the State submits that the learned ASJ passed the impugned order erroneously without appreciating that the bail application filed by the respondent had already been dismissed on an earlier occasion by order dated 08.10.2020.

4. He submits that there was no change in circumstances and



the subsequent application should not have been entertained.

5. It is seen that the impugned order was passed way back on 01.09.2021.

6. On being asked, it is informed that the chargesheet had been filed in March, 2022 and the trial has since proceeded. It is relevant to note that the State thus did not feel the need to take the applicant in custody before filing of the chargesheet.

7. Undisputedly, the investigation is already complete which led to filing of the chargesheet and the applicant, at this stage, is not required for any custodial interrogation. The challenge to the impugned order is belated and no reason has been given for filing the petition in the year 2024, specially when chargesheet has already been filed. It is also not alleged that the respondent has not complied with the conditions imposed by the learned Court while granting bail.

8. In view of the above, this Court finds no reason to interfere with the impugned order after such delay.

9. The present petition is therefore dismissed.

AMIT MAHAJAN, J

APRIL 1, 2024

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