

Manjeet Kumar Anand Vs. the State (N.C.T. of Delhi) and anr.

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Court : Delhi

Decided On : Feb-21-2005

Reported in : 118(2005)DLT98

Judge : Badar Durrez Ahmed, J.

Acts : Indian Penal Code (IPC) - Sections 506

Appeal No. : Bail Appln 1375/2004

Appellant : Manjeet Kumar Anand

Respondent : The State (N.C.T. of Delhi) and anr.

Advocate for Def. : Pawan Sharma, Adv.

Advocate for Pet/Ap. : Sandeep Sethi, Sr. Adv. and; Ajay Mirza, Adv

Disposition : Application dismissed

Judgement :

Badar Durrez Ahmed, J.

1. The Vigilance report which was placed before the court was considered by me and it appears that the report is not in favor of the petitioner. He had alleged that he was mal-treated at the hands of the police. From the report, it appears that that allegation is not substantiated. In any event, that report is on a different aspect of

the matter entirely. Insofar as the merits of the case are concerned, the learned counsel for the petitioner submits that this is a fit case in which the petitioner ought to be granted anticipatory bail. He further submitted that the only offence for which the FIR was registered was under Section 506 of the IPC, which according to him is a bailable offence and he should not be arrested. In support of this contention, he cited a decision of this court in the case of Narendra Kumar and Ors. v. State and Ors. passed in CrI M (M) 3322/2004 decided on 13.01.2004

2. The learned counsel for the State opposed the grant of bail on several grounds. The first ground was that while the petitioner is stated to be of 62 years of age as recorded in the order dated 19.07.2004, the petitioner, in point of fact, had given his age as 47 years in the MLC prepared by the doctor at Apollo Hospital on 24.07.2004 Secondly, the learned counsel for the State has submitted that the petitioner is a noted bad character of the area falling under police station Karol Bagh and that his involvement in a total of six cases is alleged. Although, he may have been acquitted in some of them, however, at least three cases are pending, including the present one. The learned counsel for the State further submitted that insofar as the argument in respect of Section 506 is concerned, although the petitioner is right in saying that there is a decision of this court declaring Section 506 IPC to be a bailable offence, however, there is a fresh notification issued by the Lieutenant Governor on 30.0.2004, whereby the offence under Section 506 has been specifically declared to be a non-bailable offence.

3. In view of the aforesaid submissions made by the learned counsel for the parties, I am not inclined to grant anticipatory bail to the present accused.

Accordingly, the application for bail stands rejected.

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