

**(2018) 01 DEL CK 0400**

**In the Delhi High Court**

**Case No :** Criminal Miscellaneous Case No. 241 Of 2018

Rinku Das

APPELLANT

Vs

State Govt Of Nct Delhi & Anr

RESPONDENT

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**Date of Decision :** 17-01-2018

**Acts Referred:**

**Citation :** (2018) 01 DEL CK 0400

**Hon'ble Judges :** Sanjeev Sachdeva, J

**Bench :** Single Bench

**Advocate :** Tarun Nanda, Arun Kumar Sharma

**Final Decision :** Disposed Of

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## **Judgement**

Sanjeev Sachdeva, J

Crl.M.A. 934/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 241/2018

1. The petitioner impugns order dated 22.09.2017, whereby, respondent No.2 has been enlarged on bail. Learned counsel for the petitioner contends that there was no ground made out for grant of bail and more so in view of the fact that the earlier application for grant of bail by the respondent No.2 had been rejected and there was no change in circumstances.

2. Further, it is contended that in the impugned order, the Court has commented upon the injury sustained by the petitioner without referring to the medical report and also ignoring the fact that the doctor, who had examined the petitioner, is yet to be examined as a witness. Learned counsel for the petitioner contends that this observation is likely to prejudice the final outcome of the trial.

3. I am not inclined to interfere with the impugned order and cancel the bail already granted.

4. It is settled position that an order granting bail is not to be inferred with lightly, unless certain compelling circumstances are shown requiring cancellation of bail. Merely because an earlier application has been rejected does not preclude the accused from filing a subsequent application for bail, in case, the circumstances so warrant. In the earlier application, the Court has opined that one of the formal witnesses is yet to be examined. The application for grant of bail, in the present instance, was filed after the said witness was examined. No circumstances are shown warranting interference with the order dated 22.09.2017 enlarging Respondent No. 2 on Bail.

5. Insofar as the observation of the Court with regard to the injury sustained by the victim is concerned, it is noticed that as the doctor, who had examined the victim, is yet to be examined, the observation commenting upon the injury sustained was not necessary.

6. In view of the above facts and circumstances, I am not inclined to interfere with the impugned order dated 22.09.2017. However, it is clarified that the observation made by the Court in the impugned order with regard to the injury sustained will not be taken as conclusive.

7. The petition is, accordingly, disposed of.

8. Order Dasti under the signatures of the Court Master.