

SUPREME COURT OF INDIA

Ashok Dhingra

Vs.

N.C.T. of Delhi

Crl.A.No.256 of 2000

(K. T. Thomas and M. B. Shah, JJ.)

03.03.2000

ORDER

1. Leave granted.

2. After hearing learned counsel for the appellant, Mr. Altaf Ahmed, learned Additional Solicitor General appearing for the respondent and Mr. M. S. Ganesh, learned Senior Counsel for the complainant, we pass the following order :

The offence now alleged against the appellant is under Sections 120-B, 420, 468, 471 and 506 of the Indian Penal Code. He is alleged to have cheated a Japanese national in a whopping sum exceeding Rs. 65 lacs. These are of course prima facie circumstances not entitling him to be released on bail. But on the other side we noticed that he was in custody from 5-7-1999 to 10-12-1999 and, therefore, to continue to detain him during the pre-trial stage may not be in the interest of justice. Therefore, we permit him to continue on bail as per the interim order passed by us on 10-12-1999, if he would abide by the following conditions :

1. He shall report at the office of the Crime Branch, Qutab Institutional Area, New Delhi on all alternative days between 4 p.m. and 6 p.m.;

2. He will not leave the limits of the State of Delhi without permission from the trial Court;

3. He shall surrender his passport within one week to the trial Court; and

4. He shall not in any manner either intimidate or influence the witnesses or tamper with the evidence.

3. If he is willing to abide by the above conditions, he should file an affidavit to that effect before the trial Court within two weeks from today.

4. If the respondent-State finds for any valid reason that appellant is misusing his bail we permit the respondent to move for cancellation of the bail as provided under Section 439(2) of the Criminal Procedure Code. If the trial is to get delayed on account of the delay in apprehending the co-accused, it is open to the trial Court to split up the case as against this appellant and proceed therewith, so that, it can be disposed of as expeditiously as possible. If the trial is delayed on account of dilatory tactics adopted by the appellant, that itself can be treated as a ground for cancellation of bail. With these observations, this appeal is disposed of.

Order accordingly.