

: 1 :

**IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04:CENTRAL DISTRICT
TIS HAZARI: NEW DELHI**

**CR Number : 188/2020
Unique ID/CNR No. : DLCT01-0040202020**

**Avdesh Kumar Goel
..... Revisionist/Accused**

Versus

**State (Govt. Of NCT of Delhi)
.....Respondent/Complainant**

**Date on which present revision
is received in this court : 10/07/2020**

Date of arguments heard : 21/07/2020

Date of Order : 24/07/2020

ORDER

1. This order shall dispose of the present revision petition arising out of impugned order dated 24/06/2020 passed by Learned CMM Mr. Arul Varma, Central District, Tis Hazari Courts, Delhi, whereby the learned CMM was pleased to dismiss the application of the present revisionist for his release on personal bond and direction to Jail Superintendent in this regard.

2. Notice of the present petition was issued to the respondent / State through Learned Addl.PP. The State did not file any reply in writing but straightaway argued the matter on merit.

3. Learned Counsel for revisionist argued in detail. He submitted that Learned Trial Court / CMM failed to appreciate that application before him was not for modification of bail order, but for directions to jail Superintendent concerned to accept personal bond. It is further submitted that passport of petitioner was seized and still in the possession EOW as such, such condition cannot be applied to the petitioner. It is further stated that order dated 12/06/2020 passed by learned Sessions Court was about dismissal and withdrawn and not on merit and same is wrongly appreciated by Learned CMM. In any case, it is stated that there is no concealment of material facts. It is further stated that learned Trial Court wrongly interpreted order dated 09/04/2020 of Hon'ble High Court, as same was not only for bail order passed during lockdown but for all orders upto 07/04/2020. It is further submitted despite that his application for modification of bail order dated 06/04/2019 is wrongly dismissed by the learned Trial Court.

4. On the other hand, learned Addl.PP for the State argued that present revision is not maintainable and there is no infirmity in the order passed by the learned Trial Court.

5. I have heard arguments from both sides and also perused the court record.

6. On perusal of bail order dated 06/04/2019, it is clear that such regular bail was granted by learned ASJ-02, Central District on merit, subject to furnishing of personal bond and surety bond in the sum of Rs. 5 lakh (each) apart from other conditions as mentioned in such order. Further, vide order dated 12/06/2020 passed by learned bail Duty Session

Judge / Annexure-6, it is clear that such applicant / revisionist moved concerned bail duty judge for modification of bail condition of present nature, but the same was dismissed as withdrawn with liberty to file afresh. Thereafter, it appears that instead of filing fresh application before bail duty session judge for modification of bail condition, instead present application in question was pressed before Learned CMM. In such application, present accused prayed that condition of surety bond be waived off or modified to the minimum amount possible. But in order in question dated 24/06/2020, it was rightly noted such Trial Court do not have jurisdiction to entertain such application as bail order was passed by learned Session Court. As such, this court do not find any infirmity in such findings of learned Trial Court. Further, it is also on record that such accused / revisionist infact moved before the concerned Bail Duty Court for modification of such bail bond condition. Further, it is rightly observed by learned Trial Court that directions given for relaxed conditions were for concerned Jail Authority to comply.

7. Under the facts and circumstances of the present case as discussed above, this court do not find any infirmity in the order passed by learned CMM / Trial Court. **Accordingly, present revision petition stands dismissed.** A copy of this order be sent to learned Trial court concerned. Ahlmad is directed to do the needful accordingly. Revision files be consigned to record room as per rules.

8. Both the parties at liberty to obtain the order through electronic mode. Further , as revisionist is in JC, a

: 4 :

copy of this order be also sent to Jail Superintendent concerned.

**Announced through electronic
mode in terms of directions
recieved from time to time
in this regard at present,
on 24th July, 2020**

NAVEEN KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.07.24 16:49:34
+05'30'

**(NAVEEN KUMAR KASHYAP)
ASJ-04/Central/Revision Court
Tis Hazari:Delhi.**