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

+ **BAIL APPLN. 762/2022**

SHIBU THOMAS

..... Petitioner

Through: Mr. Aditya Aggarwal, Adv.
versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with ASI Yad Ram.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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07.03.2022

Crl.M.As.4364-65/2022 (for exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

BAIL APPLN. 762/2022

1. This is a petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No. 60/2021 under Section 420 IPC registered at Police Station New Delhi Railway Station.
2. Issue notice. Learned APP appears on advance notice, and accepts notice.
3. As per the case of the prosecution, complainant alleged that on 02.10.2021 the petitioner had given him a platform ticket by informing him that it is a railway ticket which can be used to travel by him to his destination. It is submitted that the complainant required three tickets and under that context he had met with the petitioner at New Delhi Railway Station whereby petitioner informed him that he would charge Rs. Eight Hundred for each ticket and as three tickets were required by the

complainant, so he had paid Rs.2400/- to the petitioner.

4. It is the further case of the prosecution that when the complaint had met the concerned ticket checker and had shown him alleged Ticket then they came to know from the said ticket checker that they were platform tickets and cannot be used for travelling purposes. By the said act of the petitioner the complainant felt cheated and thereby the present FIR was registered at the behest of the complainant.

5. Learned counsel for the applicant submits that the applicant is in custody since 02.10.21 and chargesheet was filed on 27.11.2021. It is as per the case of the prosecution that the total alleged cheated amount is '**Rs. 2400/-**' and out of which Rs. 1600/- was already recovered from the petitioner. Furthermore, the amount of Rs. 800/- was returned to one of the co-complainant as per the disclosure statement. It is as per the case of the prosecution that nothing more has to be recovered from the petitioner, so the further incarceration of the petitioner is unwarranted and unjustified.

6. Ld. APP for the State has also stated that nothing more has to be recovered from petitioner, and chargesheet stands filed.

7. Keeping in view the facts and circumstances of this case, and since the petitioner is in judicial custody since 2.10.2021, and no useful purpose would be served by keeping him in custody, he is admitted to bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the trial court concerned.

8. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of the case.

RAJNISH BHATNAGAR, J

MARCH 7, 2022/ib