

\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2414/2018, CRL.M.(BAIL) 1622/2018, CRL.M.A.
34152/2018
AJAY BHATIA & ORS Petitioners

Through: Mr. Tanveer Ahmed Mir, Mr. Faheem
Shah and Mr. Ishan Shivakumar,
Advs.

versus

STATE OF NCT DELHI Respondent

Through: Mr. Amit Gupta, APP for State.
Mr. Anuj Kapoor, Mr. Bharat Sharma
and Mrs. Kirti Kapoor, Advocates for
complainants.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

11.10.2018

The petitioners seek anticipatory bail in case FIR No. 548/2018 registered under sections 323/341/354/354B/506/34 IPC at Police Station, Rajouri Garden, on a complainant made by respondent no. 2 alleging molestation by the petitioners in a public scuffle, in which she and her husband were severely beaten and she was molested. The learned counsel for the petitioners submits that the petitioners were granted interim protection by the Trial Court on 07.09.2018. However, after recording the statement of the complainant under section 164 Cr.PC., the said interim protection was cancelled and the bail application was dismissed.

The petitioners refer to the statement given by the complainant's husband to the police on the evening of the alleged incident, when they had been taken to the police station. The husband has stated that he had settled

the matter with the petitioners and did not wish to press charges. The complaint by the respondent was filed four days later and registered into the present FIR. The petitioners had been granted bail by the Trial Court during the period of investigation despite allegations under section 354-B IPC. The allegations have been reiterated in the complaint under section 164 Cr.P.C.

In view of the above, it is directed that in the event of arrest of the petitioners in FIR No. 548/2018 registered under sections 323/341/354B/506/34 IPC at Police Station, Rajouri Garden, they be released on bail on their furnishing a personal bond in the sum of Rs. 40,000/- each with one surety in the like amount to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions:

- (i) the petitioners shall continue to participate in the investigation as and when they are so intimated by the Investigating Officer;
- (ii) they shall make no attempt, directly or indirectly, to contact the complainant or relatives or close associates;
- (iii) their mobile phone number shall be operational at all times, so that the police could contact them;
- (iv) they shall not make any effort to evade the process of law;
- (v) in case of change of the phone numbers or address, the petitioners shall inform the police forthwith and;
- (vi) they petitioners shall keep a distance of 50 yards from the complainants at all times.

Observation made in this order shall have no bearing on the merits of the case.

The petition is disposed-off in the above terms.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under the signature of the Court Master.

OCTOBER 11, 2018
RW

NAJMI WAZIRI, J