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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL. M.C. 398/2019**

**ANSHIKA CHATURVEDI**

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Mr.  
S.A. Hashmi, Mr. Salman Hashmi,  
Mr. Zeeshan Hashmi and Mr. Shazan  
Hashmi, Advs.

versus

**STATE OF NCT OF DELHI & ORS.**

..... Respondents

Through: Mr. Izhar Ahmad, APP for State with  
SI Avinash Pratap, P.S. Chanakya  
Puri.  
Mr. Tanveer Ahmed Mir and Mr.  
Vaibhav, Advs. for R-2 to R-4.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**25.01.2019**

By this petition under Section 439 (2) of the Code of Criminal Procedure, 1973 (Cr.P.C.), petitioner (complainant) has prayed for cancellation of anticipatory bail granted to the respondent nos. 2 to 4 (accused persons) by this Court vide order dated 23.01.2019, which reads as under :-

“It is submitted that complainant and her brother were invited to the party hosted by the petitioners. A quarrel ensued between the guests at the dance floor wherein complainant and her brother have been allegedly assaulted by the co-accused Raghuveer Singh and Rajiv Kumar, who have already been released on bail. As per the learned counsel, no allegations of

physical assault have been levelled against the petitioners. Nothing is to be recovered from the petitioners, inasmuch as, petitioners will join the investigations. It is prayed that anticipatory bail may be granted to the petitioners.

Learned APP has opposed the grant of anticipatory bail to the petitioners. It is contended that party was hosted by the petitioners and at their behest complainants were assaulted.

Keeping in mind the totality of the facts and circumstances of this case, it is ordered that in case of arrest petitioners be released on bail, subject to their furnishing a personal bond in the sum of ₹25,000/- each with one surety each in the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned police station.

Bail application is disposed of in the above terms. Miscellaneous applications are disposed of as infructuous. Dasti”

During the course of hearing, learned senior counsel for the petitioner has failed to point out any adverse conduct of the private respondents post the grant of anticipatory bail so as to warrant cancellation of bail. In effect, petitioner is trying to assail the order dated 23.01.2019, which otherwise cannot be done by way of the petition under Section 439(2) Cr.P.C.

Learned senior counsel has contended that respondent nos. 2 to 4 had misled the court at the time of hearing of the bail application as it was concealed by them that respondent no. 2 had instigated his PSOs to outrage the modesty of petitioner and beat her brother. It is further contended that eye witness Arjun Chandra has categorically stated so in his statement.

It is noted that statement of eye witness-Arjun Chandra was recorded after about 7 days of the registration of FIR. That apart, what was argued by the learned counsel for the private respondents, was that no allegation of molestation and physical assault by the respondents were there in the FIR. It was not stated in the FIR that respondent no.2 had instigated his PSOs to outrage the modesty of petitioner and beat her brother. There are no allegations in the FIR, that any of the private respondents had assaulted the petitioner or her brother or had passed any lewd comments.

It is also important to note here that stage of supply of documents/statements to accused (private respondents) has yet not reached so it cannot be said that they had concealed statements of any eye witness, in order to mislead the court.

In my view, no case is made out for cancellation of anticipatory bail of the private respondents.

Petition is dismissed. Miscellaneous applications are disposed of as infructuous.

**A.K. PATHAK, J.**

**JANUARY 25, 2019**

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