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

+ **BAIL APPLN. 751/2020**

SRUSTIDHAR PRADHAN

..... Petitioner

Through

Mr. Gautam Das with Mr. R. K.
Padhi, Advs.

versus

STATE

..... Respondent

Through

Mr. Panna Lal Sharma, APP for State
W/SI Seema Devi, PS Najafgarh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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19.03.2020

Crl. M.A. 5718/2020

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 751/2020

Case of the prosecution as per FIR is that the complainant and the accused/applicant has been working in Tihar Jail and alleged that some 8-9 months ago, the accused/applicant called the complainant to his house and had physical relation with the complainant against her consent. About one and a half years prior to the same he had had physical relation with her in a separate house. While having physical relations, the applicant threatened complainant not to disclose it to anybody and if she discloses he shall publish the video of the said incident and kill her family.

Learned APP has informed this Court that petitioner filed anticipatory application before the court of Sessions twice, however, applications were withdrawn.

It is pertinent to mention here that in the present application

applicant/accused has stated that he has not only been manhandled by the family members of complainant and a group of lawyers in the Court premises on 28.2.2020, but also his lawyers have been threatened in court premises by the opposing counsel on the day of hearing of the bail application on 02.03.2020. Thus, the petitioner seeks anticipatory bail before this Court.

Since the anticipatory bail application of petitioner has not been dealt by the Court of Sessions on merit, I hereby direct District & Sessions Judge, Dwarka to entertain the present application deemed as filed before him and decide on merit.

Learned District & Sessions Judge is further directed to give fair opportunity of being heard to the counsel appearing on behalf of the parties and, if required, he shall pass directions towards counsel for applicant to appear under police protection but he shall ensure that matter will be heard and decided on merit.

Parties are directed to appear before aforesaid Court on 1.03.2020.

In view of above, the petition is disposed of.

Till the application of the petitioner is decided before the District & Sessions Judge, no coercive steps shall be taken against the petitioner.

Copy of this order be transmitted to the Jail Superintendent concerned and District & Sessions Judge, Dwarka for necessary compliance.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

MARCH 19, 2020/ms