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

+ **BAIL APPLN. 2365/2020**

DHEERAJ MALHOTRA

..... Petitioner

Through: Mr Rajat Katyal, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Ravi Nayak, APP for State with
ACP Kumar Abhishek, Sub Division,
Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

08.09.2020

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[Hearing held through videoconferencing]

1. The petitioner has filed the present petition seeking regular bail in connection with FIR No. 0230/2019 under Sections 498A/406/377/354/354(B)/323/506/509/34 of the IPC read with Section 3(1)(r)(s)(w)(i)(ii)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Mr Katyal, learned counsel appearing for the petitioner submits that a co-accused has already been released on bail by virtue of this court's order dated 13.07.2020 passed in Bail Application No.1379/2020. He submits that while considering the same, the Court had noted that the complainant had improved her statements from time to time. The court and had also found that *prima facie*, the allegations of offences punishable under Scheduled

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Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ought not to have been included.

3. Mr Nayak, learned APP points out that a similar bail application filed by the petitioner (Bail Application No.2973/2019) was rejected by a Coordinate Bench of this court by an order dated 17.01.2020. He submits that the court had not considered it appropriate to grant bail without the complainant being examined before the trial court and the Court had further directed the trial court to make an endeavour to complete the trial within a period of one year from that date. He further submits that the present matter is listed before the concerned court on 28.09.2020 for hearing arguments regarding an order on charge.

4. The complainant has also joined the proceedings and she submits that the present petition ought not to be heard by this court and requests that the same be transferred to the Bench of Hon'ble Ms Justice Anu Malhotra as she has considered and rejected the similar petition (Bail Application No.2973/2019) on 17.01.2020.

5. Mr Katyal submits that the said request, ought not to be entertained because after 17.01.2020, this Court has examined the matter in detail and had released the co-accused on bail.

6. He also states that he has no objection if the arguments on order on charge are heard expeditiously. Further, if a charge is framed then the complainant should be examined at the earliest. He submits that he need not press the present petition if directions to the aforesaid effect are given to the concerned court.

7. In view of the above, this Court considers it apposite to direct the concerned court to hear arguments on order on charge on the date already

fixed. The complainant also states that she shall not seek any adjournment before the said court. It is further directed that in case a charge is framed, the complainant would be examined immediately thereafter and in any event within a period of one month, thereafter.

8. The present petition is dismissed as not pressed with liberty to the petitioner to apply afresh after the complainant has been examined.

VIBHU BAKHRU, J

SEPTEMBER 8, 2020
MK

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