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IN THE HIGH COURT OF DELHI AT NEW DELHI

NEUTRAL CITATION NO: 2022/DHC/002725



Order reserved on :06/07/2022

Order pronounced on :12/07/2022

+ **BAIL APPLN. 1555/2022, CRL.M.A.9890/2022**

NAVEEN BHADANA

..... Petitioner

Through: None.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Ahlawat, Addl. PP
for State with Mr. Gagan
Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE POONAM A. BAMBA

POONAM A. BAMBA, J.:

1.0 The present application has been filed u/s 438 of the Code of Criminal Procedure, 1973 (**Cr.PC**) on behalf of the accused/applicant for grant of anticipatory bail in FIR No. 0170/2022 dated 08.04.2022 registered under u/Ss 186/332/353/354/354D/509/34 IPC, PS Timarpur, Delhi.

2.0 It is submitted that the applicant been falsely implicated by the complainant/prosecutrix in collusion with the police officials. It is stated that actually, the complainant along with her family members is living in their vicinity on rent. The applicant's brother Praveen used to accompany complainant's landlord (who is close to the applicant's family), to the rented premises, which was not liked by the complainant and her family members. To avenge and put pressure on the applicant and his family members, the complainant leveled false allegations against him. The applicant as well his brother and mother were at home at the given time, which can be verified from the CCTV footage.



2.1 The applicant has also submitted that he is working as a driver and is the sole bread earner of his family consisting of his wife and two minor children aged about 12 years and 07 years, respectively. He is presently unemployed after COVID-19 and his family is at the verge of starvation.

2.2 It is further submitted that the applicant belongs to a respectable family and has deep roots in society and there is no possibility of his absconding.

2.3 It is also submitted that in his absence, some police officials visited his residence and therefore, he apprehends arrest. He is ready to join investigation as and when required. No purpose will be served by keeping him behind the bars.

2.4 It is also submitted that the applicant's mother has already been granted anticipatory bail vide order dated 05.05.2022 by Ld. PO MACT-02 (Central), Tis Hazari Courts, Delhi.

3.0 This application is strongly opposed by Ld. Addl. PP. It is submitted that there are serious allegations against the applicant not only of assaulting, outraging modesty of the prosecutrix, but also of assaulting police officials on duty. Investigation is still at initial stage and therefore, this application is liable to be dismissed.

3.1 As per the status report, a PCR call was received vide DD No. 95A, PS Timar Pur, regarding molestation of a lady. On which, Ct. Manish along with Ct. Amit reached the spot, where victim along with her father Sh. Manoj Dutta were present and informed the police officers that the applicant/accused Naveen and his brother Praveen abused her and her father; and accused persons pulled her hand and touched at his

private part.

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3.2 It further mentions that when Ct. Manish and Ct. Amit made enquiry from the accused persons, they were assaulted by both the accused persons. Thereafter, the accused persons' mother Smt. Krishana Devi reached the spot and pushed Ct. Amit and hit him with a brick on his right hand. Not only this, they took Ct. Manish and Ct. Amit inside their house and kept them confined. Ct. Amit was medically examined at Aruna Asaf Ali Hospital and was treated for the simple injuries suffered by him. His MLC was prepared.

3.3 Ld. Addl. Prosecutor submitted that the complainant/prosecutrix in her statement u/S. 164 Cr.PC has supported the prosecution case. She has also stated that she is being pressurized by the family members of the accused persons to take her case back. Even father of the prosecutrix, Sh. Manoj Dutta has given a complaint alleging that the family members of the accused persons have threatened to kill his entire family if he did not withdraw the case; they also threatened to throw acid on his son and kidnap his daughter.

4.0 It is noted that the prosecutrix in her statement u/Sec. 164 Cr.PC recorded on 13.04.2022 has stated that on 08.04.2022 (Friday), while she was going to Shukra Bazar with her father, at about 09:15 p.m., the applicant and his brother Praveen Gujjar abused her father and asked him to hand-over his daughter i.e. prosecutrix; the applicant was drunk and his brother Praveen caught hold of her hand and put it on his private part. On her father's intervention, the accused Naveen/applicant threatened to pour acid on the prosecutrix. She has also stated that on a call made to the police, Ct. Amit and Ct. Manish arrived; and even they were assaulted by the accused persons; they were even confined inside

their house (accused's house). Prosecutrix has also stated that she apprehends threat to her life as on 12.04.2022 at about 09:00 p.m. she heard screams of her father and saw that three boys were about to assault her father, but ran away on hearing the screams.



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4.1 Ld. Prosecutor submitted that the complainant's father has lodged a complaint in this regard.

5.0 My attention is also drawn to the MLC of Ct. Amit, of Aruna Asaf Ali Hospital, who was allegedly assaulted by the applicant and his co-accused Praveen. MLC records history of physical assault on duty by 10-12 unknown persons at about 11:00 p.m. on 08.04.2022. It also shows that Ct. Amit suffered bruises on his arm and the injury has been opined as simple.

6.0 There are allegations of threats being received by the prosecutrix and her father from the applicant/accused and his family members and the prosecutrix's father has even filed a complaint in this regard.

7.0 In view of the above facts and circumstances and considering the nature of allegations levelled against the applicant/accused and also taking into account the fact that complainant/her father have reported that they are being pressurized to withdraw their complaints and are being threatened by the applicant and his family members, the prayer of the applicant/accused for anticipatory bail cannot be acceded to.

8.0 The application is accordingly dismissed.

(POONAM A. BAMBA)
JUDGE

JULY 12, 2022/manju
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Click here to check corrigendum, if any
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