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

% *Date of decision: 6th September, 2022*

+ **BAIL APPLN. 2663/2022 & CRL.M.A. 17787/2022**

NISHA RANI

..... Petitioner

Through: Mr. Viraj R. Datar, Sr.
Advocate with Mr. Chander
Mani Grover and Mr. Saurav
Joon, Advocates.

versus

**THE STATE GOVT. OF NCT OF DELHI AND
ANOTHER**

..... Respondents

Through: Mr. Manoj Pant, APP for the
State with SI Avaneesh
Kumar, P.S. Jagatpuri.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

CRL.M.A. 17788/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 2663/2022

3. The instant application under Section 438 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking anticipatory bail in FIR bearing No. 0556/2022 dated



13.08.2022, registered at Police Station Jagatpuri, for offences punishable under Sections 324/307/506/120B/34 of the Indian Penal Code, 1860.

4. Notice. Learned APP accepts notice for the State.

5. The brief facts of the present bail application are that the applicant is a senior teacher in Lovely Public School for the last many years. It is stated that an event was organized in the school on 13.08.2022 and since morning the complainant was passing remarks against another student namely AK and thus, there was tussle between the complainant/victim and AK. On 13.08.2022, an FIR bearing no. 556/2022 Police Station Jagatpuri under Section 324/307/506/120B/34 IPC was registered against the present applicant. It is also alleged that there was previous enmity between the father of the victim and the school administration and, therefore, the victim was assaulted in connivance with the applicant.

6. Consequently, the applicant filed an anticipatory bail application before the learned Additional Session Judge, Shahdara District, Karkardooma Courts, Delhi, which was rejected by order dated 31.08.2022.

7. Learned counsel for the applicant submits that she has been falsely implicated in the present case. It is further submitted that accused was not present at the spot when the alleged incident took place as she was busy in an event arrangements in the school.

8. Learned APP for the State, on the other hand, has strongly opposed the bail application stating that the allegations against the



accused are not only serious in nature but it concerns the conduct of the accused who is a teacher in a school while the victim is a student of that school.

9. Annexure P-5 has been filed on record which is the status report filed before the concerned Court of Ld. ASJ, Karkardooma Court at the time of hearing of anticipatory bail application. The contents of the same were not disputed at the time of arguments of this application. The status report mentions that as per investigation conducted, the weapon of offence i.e. one steel water bottle used for commission of alleged offence has been seized. The CCTV footage of the school and the place of incident has been provided by school authorities. It is also mentioned in the report itself that in the video footage of the CCTV cameras installed at the entry and exit gate of classroom, it is clearly seen that after finishing his lunch, the victim entered the class and made exit after two minutes with other students. During the course of investigation, the statements of the students accompanying him and the school staff were also recorded and as per all the statements, at the time of incident, no teacher or school staff was present in the classroom. It is also the report of the IO that the petitioner herein who is a class teacher had made phone calls to the mother of the victim immediately after the incident. It is stated that the screen shot of the phone in question from which calls were made within minutes of the incident after the incident coming to the knowledge of the teacher and the school authorities show that five phone calls were made to the mother of the victim by the applicant.



10. Thus, after perusal of the bail application and relevant documents and the arguments put forth by the counsels, the Court observes that it is apparent that the petitioner was not present at the alleged place of incident and had gone out in connection with a school programme when the unfortunate fight ensued between two adolescent students of XIth standard.

11. The applicant is a teacher in the school where the alleged incident had taken place. Teachers nurture the future generation of the county. They are the guiding force to bring out shining bright light in every child. Further, they do not merely teach academic subjects, but also sow the seeds of character of the students from their childhood. They teach them moral conduct, good behaviour & etiquettes. It is clear that the applicant had left the class room and only came back when the alleged incident had already taken place between the two students.

12. This Court takes note that the complainant and the other student, in the instant case, are adolescents of sufficient maturity and did not require presence of teachers for every minute spent in school.

13. This court also notes that the learned Principal District & Sessions Judge vide his order dated 30.08.2022 had observed the following:

“There is an apprehension in the mind of the applicants that the presence of number of advocates on behalf of the victim’s side during the course of arguments is overpowering the learned Presiding Officer, who seems to be under pressure of the victim’s side. It is thus



submitted that under these circumstances as the anticipatory bail applications are not being disposed off expeditiously, which is infringing the basic right of the applicants.”

14. It is also noted in the MLC of the victim, in the instant case, by the concerned doctor that the father of the complainant had threatened the doctor to give a favourable finding in the MLC report. The note written by the doctor appended in the MLC is reproduced as under:-

“Parents argumentative manipulating the history and obstructing the work even after requesting not to do so.

Father trying to threaten that he is a criminal lawyer and the doctor has to face consequence if MLC not made according to his own wishes rather than the examination, finding, and primary investigation of the patient.”

15. The CCTV footage of the place where the alleged incident has taken place has already been handed over to the Investigating Agency. The steel water bottle used for commission of alleged offence has already been seized by the police. The statements of the witnesses present with the victim at the time of incident have already been recorded. The CCTV footage as well as statements of the witnesses has not established presence of the applicant at the place of occurrence.

16. Keeping in view the above observations and given the kind of incident that took place at the spur of the moment between two



adolescent students when the teacher was not present in the class to attend a programme in school, I find it a fit case for granting anticipatory bail to the petitioner.

17. It is directed that in the event of her arrest, the petitioner be released on her furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/IO concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers shared by her with the Police.
- ii) The applicant shall not leave NCT of Delhi without prior permission of the concerned IO/SHO.
- iii) The applicant shall not directly or indirectly make an attempt to influence the witness or tamper with the evidence in any manner.
- iv) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned IO/SHO.

18. The petitioner shall join the investigation as and when called by the IO/HIO/SHO concerned.

19. The bail application stands disposed of. The other application also stands disposed of.

SWARANA KANTA SHARMA, J

SEPTEMBER 6, 2022/kss