



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36185-2024

Date of decision:30.08.2024

Mukesh Kumar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ankur Malik, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUMEET GOEL, J.

1. The instant petition has been preferred by the petitioner for grant of anticipatory bail under Section 482 of BNSS, 2023 in FIR No.203 dated 13.07.2024 under Sections 64(2)(M), 65(1), 74, 75(2), 76, 78, 351(3) of BNS, 2023 and Section 6 of POCSO Act registered at Police Station Bawani Khera, District Bhiwani.

2. The FIR in question (as stated in the petition) reads as under:

“To, The SHO Sahib, Biwani Khera. Subject:- For taking action against person regarding misbehaving and ravishing/forcefully the minor daughter. Sir, It is requested that I Ram Avtar son of Sh. Rattan Lal, is permanent resident of R/o Village Baliyali Tehsil Biwani Khera, District Bhiwani and requested that my daughter name is Mahesh and she is 15 years old and studying in a 9th class. My daughter Mahesh studied in Govt. Girls Senior Secondary School, Jalmalpura Baliyali. On 4.7.2024 and 5.7.2024, my daughter was forcibly caught by Mukesh son of Jogiram R/o Baliyali while she was returning home from School and after putting his hand on her mouth, he took her to isolated ruined building and committed rape upon her. Somehow, my daughter escaped from there but did not disclose the incident to anybody. On 10.7.2024, he again third time tried to misbehave with my daughter and attempted to commit rape. He threatened my daughter that in case she disclosed the incident to anybody then she would be killed by-fire shot. Out of fear, my daughter



did not disclose to anybody. Sir I am requesting you that to take legal action against the above mentioned person so that this type of incident could not be happened. I shall be highly thankful to you. Thanking you. ”

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question as on 10.07.2024, when the petitioner was passing through a village on a road he heard a noise(s) coming from an abandoned house nearby and when the petitioner went there to look into the same, he saw 3-4 boys teasing the victim and also video recording the same from mobile phone. The petitioner had intervened and saved the victim not only on that day but subsequently as well. Further, upon the family members of the victim informing the Police about such teasing/harassment, the Police had rounded up some of these boys and, thereafter, the petitioner was falsely implicated so as to save these boys. Learned counsel has further submitted that the petitioner, on many occasions, had rendered financial assistance to the family of the victim but the family of the victim is now not returning the money and are instead asking for Rs.10.00 lacs from the petitioner. Learned counsel has further submitted that the petitioner had made detailed representation(s) to senior police officers so that fair investigation may be carried out in the matter. Learned counsel has further argued that no recovery is to be made from the petitioner and the petitioner is willing to join investigation as also cooperate therein. Thus, anticipatory bail is prayed for.

4. *Per contra*; the learned State counsel has opposed the grant of anticipatory bail to the petitioner by raising a preliminary submission that the provision for grant of anticipatory bail in a case involving offences, as invoked in the FIR in question, is barred by statutory provision contained in



Section 482(4) of BNSS, 2023. Further, the learned State counsel has submitted that the petitioner is accused of sexually assaulting a child and the custodial interrogation of the petitioner is pertinent for effective investigation of the case. Learned counsel has further submitted that, in view of serious allegations made against the petitioner, the benefit of anticipatory bail ought not to be extended. Thus, dismissal of the instant petition is prayed for.

5. I have heard learned counsel for the parties and have perused the available record.

Prime issue

6. The prime issue that arises for consideration is as to whether the anticipatory bail ought to be granted to the petitioner. The seminal legal issue that arises for consideration is as to whether a petition for anticipatory bail is maintainable under Section 438 of Cr.P.C., 1973 for offences under Sections 376(3)/Section 376-AB/Section 376-DA/Section 376-DB of IPC, 1860 & under Section 482 of BNSS, 2023 for offences under Sections 65(2)/Section 70(2) of BNS, 2023. The further analogous legal issue that arises for consideration is that if such a petition is maintainable, what are the parameters for consideration thereof.

Relevant statutory provisions:

The Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.PC., 1973)

Section 438(4) reads as under:

“438. Direction for grant of bail to person apprehending arrest.-

(1)	xxx	xxx	xxx	xxx
(2)	xxx	xxx	xxx	xxx
(3)	xxx	xxx	xxx	xxx



(4) *Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under sub-section (3) of section 376 or section 376AB or section 376DA or section 376DB of the Indian Penal Code”*

Indian Penal Code, 1860 (hereinafter to be referred as ‘IPC’)

Section 376(3) of the IPC, reads as under:-

"376. Punishment for rape

- (1) xxx xxx xxx xxx
- (2) xxx xxx xxx xxx

(3) *Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:*

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.”

Section 376AB of the IPC, reads as under:-

"376AB. Punishment for rape on woman under twelve years of age.-

Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim."

Section 376DA of the IPC, reads as under:-

"376DA. Punishment for gang rape on woman under sixteen years of age.- *Where a woman under sixteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which*



shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

Section 376DB of the IPC, reads as under:-

Section 376DB Punishment for gang rape on woman under twelve years of age:- Where a woman under twelve years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death;

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

The Bharativa Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNNS')

Section 482(4) of BNSS, reads as under:

“482. Direction for grant of bail to person apprehending arrest

- (1)

xxx

xxx

xxx

xxx
- (2)

xxx

xxx

xxx

xxx
- (3)

xxx

xxx

xxx

xxx
- (4)

Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023”

The Bharatiya Nyaya Sanhita, 2023 (hereinafter to be referred as 'BNS').

Section 65 of BNS, reads as under:



Section 65. Punishment for rape in certain cases:- (1) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

Section 70 of BNS, reads as under:

“70. Gang rape:- (1) xxx xxx xxx

(2) Where a woman under eighteen years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and with fine, or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.”

Relevant Case Law

- 7. The case-law, apropos, to the issue(s) in question is as follows:
- I. **Re: grant of Anticipatory Bail qua offence(s) under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.**



(i) A three Judges Bench of Hon'ble Supreme Court in judgment titled as ***Prathvi Raj Chauhan Vs. Union of India & Ors.: 2020 (4) SCC 727***, has held as under:

"As per Arun Mishra, J.:

"10. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A(i) shall not apply. We have clarified this aspect while deciding the review petitions."

As per S. Ravindra Bhat, J.:

"31. As far as the provisions of Section 18A and anticipatory bail is concerned, the judgment of Mishra, J, has stated that in cases where no prima facie materials exist warranting arrest in a complaint, the court has the inherent power to direct a pre-arrest bail.

32. I would only add a caveat with the observation and emphasize that while considering any application seeking pre-arrest bail, the High Court has to balance the two interests: i.e. that the power is not so used as to convert the jurisdiction into that under section 438 of the Criminal Procedure Code, 1973 but that it is used sparingly and such orders made in very exceptional cases where no prima facie offence is made out as shown in the FIR, and further also that if such orders are not made in those classes of cases, the result would inevitably be a miscarriage of justice or abuse of process of law. I consider such stringent terms, otherwise contrary to the philosophy of bail, absolutely essential, because a liberal use of the power to grant pre-arrest bail would defeat the intention of Parliament."

(ii) The Hon'ble Supreme Court in judgment titled as ***"Shajan Skaria vs. The State of Kerala & anr: Neutral Citation No.2024 INSC 625***, has held as under:

"41. It is clear from the aforesaid discussion that Section 18 of the Act, 1989 does not impose an absolute fetter on the power of the courts to examine whether a prima facie case attracting the provisions of the Act, 1989 is made out or not. As discussed, Section 18 stipulates that in any case which involves the arrest of any person on the accusation of having

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

48. As a sequitur, if the necessary ingredients to constitute the offence under the Act, 1989 are not disclosed on the prima facie reading of the allegations levelled in the complaint or FIR, then in such circumstances, as per the consistent exposition by various decisions of this Court, the bar of Section 18 would not apply and the courts would not be absolutely precluded from granting pre-arrest bail to the accused persons.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

II. ***Re: Anticipatory Bail in respect of offence(s) under the Muslim Women (Protection of Rights on Divorce) Act of 1986***



(i) A three Judges bench of Hon'ble Supreme Court in judgment titled as ***Rahna Jalal vs. State of Kerala and another: 2021 AIR (Supreme Court) 225*** has held as under:

“9. Having said that, we shall now deal with the contention that Section 7(c) of the Act bars the power of the court to grant anticipatory bail under Section 438 of the CrPC., 1973. Under clause (c) of Section 7, Parliament has provided that no person who is accused of an offence punishable under the Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom the talaq is pronounced, is satisfied that there are reasonable grounds for granting bail.”

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

17. Thus, even in the context of legislation, such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, where a bar is interposed by the provisions of Section 18 and Sub-section (2) of Section 18-A on the application of Section 438 of the CrPC, 1973 this Court has held that the bar will not apply where the complaint does not make out "a prima facie case" for the applicability of the provisions of the Act. A statutory exclusion of the right to access remedies for bail is construed strictly, for a purpose. Excluding access to bail as a remedy, impinges upon human liberty. Hence, the decision in Chauhan (supra) held that the exclusion will not be attracted where the complaint does not prima facie indicate a case attracting the applicability of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989

18. For the above reasons, we have come to the conclusion that on a true and harmonious construction of Section 438 of Cr.P.C., 1973 and Section 7(c) of the Act, there is no bar on granting anticipatory bail for an offence committed under the Act, provided that the competent court must hear the married Muslim woman who has made the complaint before granting the anticipatory bail. It would be at the discretion of the court to grant ad- interim relief to the accused during the pendency of the anticipatory bail application, having issued notice to the married Muslim woman.”

III. ***Re: Anticipatory bail in respect of offence(s) under Sections***



(i) The Bombay High Court in a judgment titled as ***Pradip Prakash Nimbalkar vs. The State of Maharashtra and another ABA No.913 of 2022***, has held as under:

7. xxxxxxxxxxxxxxxxxxxx. Besides this, learned counsel for the applicant relying on the case of ***Dr. Subhash Kashinath Mahajan Vs. State of Maharashtra*** reported in ***(2018) 6 SCC 454*** and ***Rahna Jalal Vs. State of Kerala and another*** reported in ***(2021) 1 SCC 733***, has vehemently argued that there is no absolute bar in granting pre-arrest bail when no prima facie case is made out. Exclusion cannot be applied when mala fide version is put forward. Exclusion of the Court's jurisdiction is not to be read as absolute. Bar granting anticipatory bail will not apply when no prima facie case is made out. In the case of *Dr. Subhash Mahajan (supra)*, the crime was registered for the offences punishable under Section 319, 326 and 32 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with Section 182, 192, 193, 203 and 219 read with Section 34 of the IPC were also applied. In the case of *Rahna Jalal (supra)*, the offence punishable under Section 7 of the Muslim Women (Protection of Rights on Marriage) Act 2019 was applied.

xxx xxx xxx xxx

10. After analyzing the provisions barring the jurisdiction of the Criminal Court granting anticipatory bail under Section 438 of Cr.P.C., the Hon'ble Supreme Court in both cases has laid the ratio where there is no prima facie case against the accused. The application under Section 438 of the Cr.P.C. can be entertained. The same rule of interpretation would be applied while considering the bar under sub-section (4) of Section 438 of Cr.P.C. in the cases where sections 376(3), or 376-AB, or 376-DA or 376-DB were applied.

(ii) The Kerala High Court in a judgment titled ***XXXXXXXXXXXXX vs. State of Kerala and others: Neutral Citation No.2023/KER/55878***, has held as under:

“Does sub-section (4) of Section 438 of the Code of Criminal Procedure create an absolute bar in granting pre-arrest bail to an accused involved in the offence of rape of a minor girl? xxxxxxxxxxxxxxxxxxxx

xxx xxx xxx xxx
xxx xxx xxx xxx

22. xxxxxxxxxxxxxxxxxxxx. If the exclusion of the provision for pre-arrest bail embodied in Section 438(4) of Cr.P.C. is treated as absolute,



there will be no protection available to innocent persons against whom false and motivated accusations are made. Protecting the innocent is equally important, like convicting the guilty. The criminal justice system needs to strike a balance between punishing the guilty and protecting the innocent. Thus, the exclusion clause cannot, by any reasonable interpretation, be treated as applicable when no case is made out or allegations are patently false or motivated. Limiting the exclusion to genuine cases is essential to protect the fundamental right of life and liberty guaranteed under Article 21 of the Constitution of India.

23. *In the wake of the above findings, the question posed at the beginning of this order is answered negatively. I hold that the exclusion of pre-arrest bail provision by Section 438(4) of Cr.P.C. in respect of the offences mentioned therein is not to be read as absolute, where it was discernible to the court that the allegations are patently false or motivated and no prima facie material exist warranting the arrest of the accused. The exclusion clause applies only when a prima facie case of commission of offences is made out. This may have to be determined by the Court concerned in the facts and circumstances of each case.*

Analysis (re law)

8. Sections 376(3), 376AB, 376DA and 376DB of IPC as also Section 438(4) of Cr.P.C., 1973 were brought in the statute book by way of criminal law (amendment) Bill, 2018. The statement of objects and reasons thereof reads thus:- *“Recent incidents of rape and gang rape on women under the age of sixteen years and twelve years have shaken the conscience of the entire Nation. Therefore, the offences of rape and gang rape on women under the age of sixteen years and twelve years required effective deterrence through legal provisions of more stringent punishment. Some of the incidents in recent years have been marked by increased brutality and violence perpetrated on minor girls. This has fuelled demands from various sections of the Society to make the penal provisions more stringent and effective, immediate arrest of the accused and ensure speedy trial in such*



8.1. To the similar effect are the provisions of Section 65(2)/Section 70(2) of BNS, 2023 and Section 482 of BNSS, 2023.

8.2 *Ergo*, what is conspicuous from these statutory provisions is the intent of the legislature that children are humanity's future; even though born to individual families, yet the Society, Nation and Public have collective responsibility towards creating a safe, joyful and salubrious environment for overall development of children to grow and thrive in. Sexual violation of a child is a most reprehensible crime against a child, Family; in fact against the entire humanity. In our culture where a girl-child is held in reverence, merely looking at her with prurient curiosity is an act of grave moral turpitude. Whereas sexual violation is the most degenerate, deviant and repugnant act & it must be condemned and punished accordingly. Where a young girl-child is subjected to physical violation; she is actually a mere innocent child, who probably does not even fully understand what she has been subjected to. It is unimaginable what pain and suffering she will live through because of this horrific experience. At a tender age; when her world should have been all things insouciant; a springtime to revel in the delights of childhood, she has been robbed of her innocence. As has been aptly said- "safety and security don't just happen, they are result of collective consensus and public investment. The children are owed, the most vulnerable citizens in our Society, a life free of violence and fear. Therefore, punitive measures must be such which act as forcible, definitive and effective deterrence.

9. Excluding access to bail (including anticipatory bail) as a remedy indubitably impinges upon human liberty. The principal enunciated



by Lord Denning, which has met with approval from the Hon'ble Supreme Court reads thus:

“By personal freedom I mean freedom of every law-abiding citizen to think what he will, to say what he will, and to go where he will on his lawful occasion without hindrance from any person..... It must be matched, of course, with social security by which I mean the peace and good order of the community in which we live.”

It is a settled canon of our jurisprudence that liberty postulates the creation of a climate wherein there is no suppression of the human spirits, wherein, there is no denial of the opportunity for the full growth of human personality, wherein head is held high and there is no servility of the human mind or enslavement of the human body. Personal liberty, deprived when bail is refused, is too precious a value of our jurisprudential system recognised that the crucial power to negate it is a great trust exercisable, not casually but judicially, with lively concern for the cost to the individual and the community. To glamourise impressionistic orders as discretionary may, on occasions, make a litigative gamble decisive of the fundamental right of liberty. After all, personal liberty of an accused is fundamental, suffering lawful eclipse only in terms of procedure established by law.

10. The essential question which calls for ratiocination is that, where the statute bars grant of pre-arrest anticipatory bail, whether the same can still be granted. This seeming conundrum has been considered in respect of statutes, other than Cr.P.C./BNSS, by the Constitutional Courts.

10.1 Dealing with the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989; [hereinafter to be referred as the 1989



(supra) has held; insofar as the issue of maintainability of a plea for anticipatory bail in respect of offence(s) under 1989 Act is concerned; that such a plea would be maintainable provided such applicant is able to show that no prima facie case under the Act is made out or where non-granting of such plea would result in miscarriage of justice or abuse of process of law. More recently, the Hon'ble the Supreme Court in the case of **Shajan Skaria** (supra) has reiterated the ratio decidendi of the judgment of the Hon'ble Supreme in **Prathvi Raj Chauhan**.

10.2. Dealing with the provisions of Muslim Women (Protection of Rights on Divorce) Act of 1986; the Hon'ble Supreme Court in the case of **Rahna Jalal** (supra) has held that even if the statute bars grant of anticipatory bail yet the competent Court can consider granting it if *prima facie* case is not made out.

11. The Hon'ble Bombay High Court as also the Hon'ble Kerala High Court while dealing with the provision of Section 376(3) of IPC; while relying upon the dicta of the judgments of the Hon'ble Supreme Court in case of **Prathvi Raj Chauhan** (supra) and **Rahna Jalal** (supra); have held that a petition for anticipatory bail cannot be said to be absolutely non-maintainable.

12. Thus, the conundrum; as to whether the anticipatory bail is maintainable under Section 438 of Cr.P.C. for offences under Sections 376(3)/376AB/376DA/376DB of IPC & under Section 482 of BNSS, 2023 for offences under Section 65(2)/70(2) of BNS, 2023; is set at naught. A plea for such anticipatory bail is maintainable and can be granted provided such an applicant is able to show that no *prima facie* case is made out *qua* such



motivated or mala fide or in a situation where non-granting of such anticipatory bail would amount to miscarriage of justice or abuse of process of law. There is no gainsaying that no exhaustive guidelines can possibly be laid down to govern such judicial discretion as every case, especially a criminal case, has its own factual conspectus.

This Court must immediately sound a word of caution herein. In case the Court deems it appropriate to grant such a plea for grant of anticipatory bail, the Court ought to accord cogent reasons therefor showing due and manifest application of judicial mind to the facts of a given case. To recall the immortal words of Lord Cardozo;

“The judge, even when he is free, is still not wholly free. He is not to innovate at pleasure. He is not a knight-errant roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. He is not to yield to spasmodic sentiment, to vague and unregulated benevolence. He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to ‘the primordial necessity of order in the social life.’ Wide enough in all conscience is the field of discretion that remains.”

13. As a sequitur to the above rumination, the following principles emerge:

I. A plea for grant of anticipatory bail/pre-arrest bail; under Section 438 of Cr.P.C. for offences under Sections 376(3)/376AB/376DA/376DB of IPC & under Section 482 of BNSS, 2023 for offences under Section 65(2)/70(2) of BNS, 2023; is maintainable.

II. Such a plea can be granted only when judicial scrutiny of the factual matrix of such case reflects that; insofar as allegations pertaining to offence(s) under Sections 376(3)/376AB/376DA/376DB of IPC or Section 65(2)/70(2) of BNS, 2023 are concerned; *“No prima facie case is made out”*



or “*the case is prima facie false*” or “*the case is motivated*” or where “*non-granting of such plea would cause miscarriage of justice or abuse of process of law.*” It is neither fathomable nor pragmatic to lay down any exhaustive/conclusive parameters as to what would be the touch-stone to determine these aspects in a given case, as every case has its own peculiar factual matrix.

Analysis re: facts of the present case

14. Now this Court reverts to the facts of the present case to ratiocinate thereupon.

14.1. The prime case set up by the petitioner, for grant of anticipatory bail is that the petitioner has been falsely implicated into the FIR in question *firstly* to save some boys who are the actual culprits, *secondly*, the family of the victim owed money to the petitioner and instead of returning the said money, a sum of Rs.10.00 lacs is being asked from the petitioner. This stand of the petitioner; in no manner whatsoever; reflects that no *prima facie* case is made out against him or the case is *prima facie* false or the case is motivated or mala fide. It would be imprudent and unfathomable to believe, at this stage, the bald assertion by the petitioner regarding his false implication, by giving caste angle to the incident, on the premise that in order to save the alleged actual culprits belonging to a high caste, the police/parents of victim have falsely implicated the petitioner. Further, no substantial basis emerges to lay any credence to stand of petitioner that he has been falsely implicated on account of a money dispute. At this juncture, there is no material much less tangible material to indicate that parents of the victim have falsely implicated the petitioner. The petitioner is accused of



interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. Accordingly, the prayer for grant of anticipatory bail to the petitioner ought to be rejected.

Decision

15. In view of the above, it is directed as follows:
- (i) The petition, preferred by accused-Mukesh Kumar, for grant of anticipatory bail in respect of FIR No.203 dated 13.07.2024 under Sections 64(2)(M), 65(1), 74, 75(2), 76, 78, 351(3) of BNS, 2023 and Section 6 of POCSO Act registered at Police Station Bawani Khera, District Bhiwani, is dismissed.
 - (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and learned trial Court shall proceed without being influenced with this order.
 - (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 30, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No