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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 91/2024

AVADH RAJ SINGH @ SATYAM

.....Petitioner

Through: Mr. Medhanshu Tripathi, Mr. O.P.
Gaud, Mr. Kamlesh Kumar and Mr.
Ankit Kumar, Advocates.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Mr. Akshansh, Ms. Pragati
Keshri, Mr. Priyush Jha, Mr. Sahil
Kapoor and Ms. Shivangi Tyagi,
Advocates with SI Madhuri, P.S: P.P.
Pur.
Mr. Asim Ali, Advocate for the
complainant alongwith the father of
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

13.08.2024

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By way of the present petition under section 438 of Code of Criminal Procedure 1973, the petitioner seeks anticipatory bail in case FIR No. 263/2023 dated 16.08.2023 registered under sections 376/506 of the Indian Penal Code, 1860 and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: Pul Prahlad Pur, Delhi.

2. Notice on this petition was issued on 08.01.2024. Status report dated 'nil' has been filed on behalf of the State.
3. Mr. Medhanshu Tripathi, learned counsel for the petitioner submits, that *vide* order dated 08.01.2024 the petitioner was granted an



interim protective order subject to the petitioner joining investigation; and that that order has been continuing ever since. Mr Tripathi further submits, that the petitioner has been joining investigation as and when called by the Investigating Officer; that investigation is now complete and chargesheet against the main accused, viz. Rohit, was filed on 16.10.2023 and a supplementary chargesheet against the petitioner was filed on 23.07.2024, consequent whereupon cognizance of the offences has also been taken on the supplementary chargesheet by the learned Trial Court on 09.08.2024.

4. Mr. Tripathi accordingly submits, that in the above circumstances, the petitioner deserves to be granted anticipatory bail.
5. However, charges are yet to be framed in the matter.
6. Mr. Manoj Pant, learned APP for the State confirms that a supplementary chargesheet has been filed against the petitioner and that cognizance has been taken by the learned Trial Court. Mr. Pant however submits, that the role ascribed to the petitioner was that he caught hold of the prosecutrix at the time when the main accused committed the alleged offences; and therefore, the petitioner is equally liable for the acts so committed.
7. The court has also heard Mr. Asim Ali, learned counsel for the complainant, who draws attention to section 16 of the POCSO Act, and in particular to Explanation-II thereof, to argue that a person who does anything to facilitate commission of an offence under that statute is guilty of having abetted such offence.



8. In the present case it is noticed that the petitioner has already been granted an interim protective order *vide* order dated 08.01.2024; whereupon he has participated in the investigation, which has culminated in the filing of a supplementary chargesheet dated 23.07.2024 against him; and the learned Trial Court has taken cognizance of the offences against the petitioner on 09.08.2024.
9. The court is also informed that at the time of the alleged commission of the offence the prosecutrix was about 17 years and 8 months of age, whereas the petitioner was about 25 years old.
10. In view of the above, this court is inclined to allow the present petition, thereby directing that in the event of his arrest, the petitioner/**Avadh Raj Singh @ Satyam s/o Raghvendra** shall be released on bail by the Investigating Officer/Arresting Officer subject to the following conditions :
 - 10.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with 02 local sureties in the like amount from family members, to the satisfaction of the Investigating Officer/Arresting Officer;
 - 10.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - 10.3. If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without *prior* permission of this court;



- 10.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
11. The petition stands disposed-of in the above terms.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 13, 2024

pu/ds