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

+ **BAIL APPLN. 394/2023**

FAZEEL

.....Petitioner

Through: Mr. Anurag Jain and Mr. Maroof
Ahmad, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Manju Radha, PS Timarpur.
Mr. Sandeep Kumar Mahapatra, Adv.
(*Amicus Curiae*) and Mr. Tribhuvan,
Adv. along with victim in-person.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
18.09.2024

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1. This petition has been filed seeking anticipatory bail in FIR No.359/2022 under Section 376 IPC PS Timarpur. The notice was issued in this application on 07th February, 2023 and the petitioner was directed to join the investigation subject to which the petitioner was not to be arrested in this case. There was a quashing petition being CRL.M.C. 286/2023 which was filed on the ground of an amicable settlement which was dismissed by the Court and it was noted in the subsequent order of 22nd March, 2023, however, the Court considered it fit to continue the interim protection which was granted. Subsequently, the victim was intimated.
2. Counsel for the petitioner stated that the quashing petition had been supported by an affidavit of respondent No.2 and to ascertain whether there



was a consent or not. The Court appointed an *Amicus Curiae* on 04th April, 2024 for the prosecutrix. The interim protection continued in the meantime.

3. On 07th May, 2024, the APP for the Stated that the prosecutrix was to be examined before the Trial Court and requested that the matter be considered after that. It is stated today that the testimony of the prosecutrix has been fully recorded.

4. *Amicus Curiae* for the prosecutrix has already stated on instructions that the respondent No.2 had denied she had given her consent.

5. In any event, considering that there is no complaint which has been filed by the prosecutrix regarding any intimidation or coercion or threat by the petitioner in these years when the petitioner had not been arrested, the Court deems it fit to grant anticipatory bail to the petitioner, now that the testimony of the prosecutrix has also been recorded.

6. Accordingly, the said petition is allowed and anticipatory bail is granted to the petitioner.

7. In light of the above, the Court is of the considered opinion that the petitioner is entitled to anticipatory bail. Consequently, in the event of arrest the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 25, 000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the petitioner will join investigation as and when directed, and not influence any witness/complainant/victim or tamper with evidence of the case. Further, subject to condition that the petitioner shall not contact the prosecutrix or her family or her friends in any manner whatsoever and will not venture in proximity of the residence of the prosecutrix or her family.

8. Accordingly, the petition is disposed of. Pending applications (if any)



are disposed of as infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 18, 2024/MK