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

+ BAIL APPLN. 601/2023 and CRL.M.A. 4988/2023

MANISHA

..... Petitioner

Through: Mr. Gaurav Bhatt and Mr.Adnan
Ahmad, Advocates

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for the State
with Insp. Harkesh Meena
Mr.Sahil Khurana and Ms.Shreya Lamba,
Advocates for respondent No.2

+ BAIL APPLN. 1099/2023

MOHD. SHAKEEL

..... Petitioner

Through: Mr. Gaurav Bhatt and Mr.Adnan
Ahmad, Advocates

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for the State
with Insp. Harkesh Meena
Mr.Sahil Khurana and Ms.Shreya Lamba,
Advocates for respondent No.2

+ BAIL APPLN. 1369/2023

MEENA KUMARI

..... Petitioner

Through: Mr. Faraz Maqbool, Ms.Sana and
Ms.Vismita, Advocates

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for the State
with Insp. Harkesh Meena
Mr.Sahil Khurana and Ms.Shreya Lamba,
Advocates for respondent No.2



CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.04.2024

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1. By way of present applications filed under Section 438 Cr.P.C., the petitioners/applicants, who are maternal aunts and uncle of the prosecutrix, seek anticipatory bail in FIR No.1158/2022 registered under Sections 376/354/354C IPC and Sections 6/8/12 of the POCSO Act at P.S. Mahendra Park, Delhi.

2. Learned counsel for the applicants submits that the applicants were granted interim protection vide order dated 24.02.2023 and 24.05.2023 respectively, which has continued till date. It is stated that the applicants have joined the investigation as and when called and have also submitted their mobile devices. It is further submitted that the matter is still pending at the stage of investigation and that FSL report is yet to be received.

On merits, it is stated that the FIR is malafide and motivated and has been filed as a pressurizing tactics to resolve the property dispute which is pending before the concerned civil court vide CS DJ 74/2023. Lastly, it is stated that insofar as the allegations of penetrative sexual assault are concerned, the same are against two juveniles and that the only allegations against the applicants are of making objectionable video and circulating the same. He has further placed reliance on the transcript of audio recordings between the prosecutrix and the daughter of applicant 'M' placed on record, wherein the prosecutrix has admitted that she was tutored by her parents to give the statement.

3. Learned APP for the State, duly assisted by learned counsel for the complainant, on the other hand, has opposed the bail applications. He, on



instructions from the I.O., confirms that insofar as the offences under Section 376 IPC and Section 4 POCSO Act are concerned, the same are against two juveniles. He submits that the role attributed to the applicants is of making the objectionable video as well as pressurizing the prosecutrix to marry the juvenile, co-accused.

4. Keeping in view the aforesaid facts and circumstances including the role assigned to the present applicants and the fact that the interim protections granted to them have not been misused, the interim protections granted to the applicants vide orders dated 24.02.2023 and 24.05.2023 respectively are made absolute and it is directed that in the event of arrest, the applicants be released on bail subject to their furnishing personals bond in the sum of ₹10,000/- with one surety by each applicant of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicants shall provide the mobile numbers, which they undertake to keep operational at all times during the pendency of the trial.
- (ii) The applicants shall join the investigation as and when asked.
- (iii) The applicants shall inform the concerned Investigating Officer about their current residential addresses.
- (iv) In case of change of residential addresses/contact details, the applicants shall promptly inform the same to the concerned Investigating Officer/SHO.



(v) The applicants shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

(vi) The applicants shall regularly appear before the trial Court.

5. The applications are disposed of in the above terms alongwith the pending application.

MANOJ KUMAR OHRI, J

APRIL 29, 2024

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