



\$~2

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

+ **BAIL APPLN. 861/2024, CRL.M.A. 7476/2024**

ABHISHEK VERMA

.....Petitioner

Through: Mr. Abhir Kumar, Mr. Rinku Mathur,
Mr. Gautam Chaubey, Ms. Vaishali
Sharma, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the state
with SI Sanjeeta PS Mukherjee
Nagar.
Mr. M.P. Sinha, Mr. Parminder
Sharma, Advs. with complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

22.11.2024

%

BAIL APPLN. 861/2024

1. The present bail application has been filed seeking anticipatory bail in case FIR No. 158/2024 under Section 376/328/323/506/509/34 IPC registered at PS Mukherjee Nagar.
2. At the outset, learned APP for the State submits that the chargesheet has already been filed and therefore, the petitioner may be relegated to the learned Trial Court for filing an application for anticipatory bail. Learned APP submits that since the chargesheet has been filed the learned Trial Court will be in a position to hear and decide a fresh application.
3. Learned counsel for the petitioner has insisted that though the charge



sheet has been filed but he would insist to argue on merits and submits that the matter may be decided on merits.

4. The Court considers that since the charge sheet has been filed, learned Trial Court will be in a better position to hear, adjudicate and decide the application for anticipatory bail. Even otherwise, it is preferable the Court of first instance which is the learned Trial Court in the present case, should decide the such application.
5. In these circumstances, application stands disposed of.
6. The petitioner may move an application before the learned Trial Court for anticipatory bail within the period of one week. Learned Trial Court is requested to decide the same in accordance with the law.
7. However, the interim protection has been granted to the petitioner by this Court, such interim protection shall continue till the applicaiton for interim application decided by the learned Trial.
8. It is made clear that this Court has not gone into the merits of the case and the learned Trial Court shall decide the matter in accordance with the law independently order passed by this Court.

DINESH KUMAR SHARMA, J

NOVEMBER 22, 2024

Pallavi/HT