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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1349/2021 AND CRL.M.A. 7939/2021, CRL.M.A. 23772-73/2022 & CRL.M.A. 24787/2023, CRL.M.A. 24851-52/2023

SATULA DEVI

.....Petitioner

Through: Mr. Ravi Sharma, Mr. Anjani Kumar Rai, Mr. Praphull Kumar, Mr. Ishann Bhardwaj and Ms. Madhulika Rai Sharma, Advocates.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP with Mr. Mani Ratnam Bhatti, Ms. Kaveri Chauhan, Mr. Ravinder Chauhan, Ms. Shivani Shekar, Mr. Rahul Kasana, Mr. Yashbir Singh and Mr. Ashish Vyas, Advocates with Insp. Rahul Soni, Sec-IV, EOW. Mr. B. Shravanth Shanker and Mr. D. Abhinav Rao, Advocate for R2.

+ CRL.M.C. 1700/2022 AND CRL.M.A. 23774-75/2022, CRL.M.A. 24785/2023, CRL.M.A. 24861/2023 & CRL.M.A. 24862/2023

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Mr. Ashish Vyas, Advocates with
Insp. Rahul Soni, Sec-IV, EOW.
Mr. B. Shravanth Shanker and Mr. D.
Abhinav Rao, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

26.07.2024

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1. Separate petitions under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioner against order dated 05.05.2021 passed by learned ASJ-02, New Delhi District, Patiala House Courts, New Delhi, whereby, the bail applications preferred on behalf of the accused (Respondent no. 2) were disposed of by the learned ASJ in following terms :

"In view of the same, the instant bail applications stands disposed of as withdrawn with directions to the IO that in case if during the course of investigation, the arrest of the applicants is found imminent, the applicants, namely, Uma Devi, Kanchana Rai, Umesh Sharma, Jairam, Mukesh Kumar, Shrinath Banerjee, Randhir Kumar Bachan, T. R. Narayanan and Virender Sharma be given advance seven day notice so that they can avail their legal remedies available to them. The applicants shall continue to cooperate in the ongoing investigations."

2. Learned counsels for Kanchana Rai (respondent No. 2 in CRL.M.C. 1349/2021) and Uma Devi (respondent No. 2 in CRL.M.C. 1700/2022) contend that closure report has been filed in the aforesaid proceedings, wherein, protest petition has also been preferred on behalf of the complainant. They further submit that the impugned order passed by learned ASJ merely provides a notice period of seven days' in case, investigating agency intends to arrest the accused. It is urged that petitions are not maintainable since even a closure report has been filed.



3. On the other hand, learned counsel for petitioner submits that being aggrieved of the closure report, a protest petition has been filed, which is pending consideration before the learned MM. The order granting seven days' notice is stated to be bad in law.

4. On the face of record, impugned order dated 05.05.2021 passed by learned ASJ, merely provides a seven days' notice period, in the event, the arrest of the applicants / respondent no. 2, is found imminent. The same does not grant any blanket order of anticipatory bail. The very purpose of aforesaid order is to give an opportunity to the respondent No. 2 / applicants to avail legal remedies in accordance with law. Considering the fact that the closure report has already been filed on record, though the protest petition is pending, there is no infirmity in the impugned order dated 05.05.2021.

Petitions are accordingly dismissed. Pending applications, if any, also stand disposed of.

Nothing stated herein shall tantamount to an expression of opinion on the merits of the case.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

JULY 26, 2024/R