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

+ **BAIL APPLN. 2533/2020**

LALIT KUMAR

..... Petitioner

Through: Mr. Sanjay Kumar, Advocate.

versus

THE STATE

..... Respondent

Through: Mr. Ashneet Singh, APP for the State.
SI Umesh Dalal, PS Mundka.
Ms. Gayatri Nandwani, Advocate for
prosecutrix.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.01.2024

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1. The present application under Section 438 of the CrPC seeks anticipatory bail in case FIR No. 391/2020, under Sections 323/376/328/313/506 of the IPC, registered at P.S. Mundka, New Delhi.
2. Learned counsel appearing on behalf of the applicant submits that *vide* order dated 20.11.2020, learned predecessor bench of this Court had granted interim protection to the present applicant. It is submitted that subsequently, the applicant had joined the investigation as and when called by the Investigating Officer. It is further submitted that the chargesheet in the present FIR has been filed and charges have been framed *qua* the present applicant and the matter is fixed for prosecution evidence.
3. Learned APP for the State, on instructions from the Investigating Officer, confirms the aforesaid fact and submits that the matter is fixed for prosecution evidence before the learned Trial Court.
4. Learned counsel appearing on behalf of the complainant submits that



previously the applicant had not cooperated with the investigation and did not hand over his mobile phone to the Investigating Officer.

5. Heard learned counsel for the parties and perused the record.

6. It is a matter of record that subsequent to the protection granted by this Court the applicant handed over his mobile phone for investigation before the Investigating Officer. Chargesheet in the present FIR has been filed and charges have been framed *qua* the present applicant.

7. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount to the satisfaction of the learned Trial Court/Link Court/Investigating Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
 - v. The applicant will not try to influence the witnesses in any manner.
 - vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
8. The application is allowed and disposed of accordingly.
9. Pending applications, if any, also stand disposed of.



10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.

11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

JANUARY 08, 2024/sn