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

+ **CRL.M.C. 3663/2024**

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..... Petitioner

Through: Mr.Sanjiv Sharma, Adv. along
with petitioner in person.

versus

STATE (NCT OF DELHI), NEW DELHI & ANR.

..... Respondents

Through: Mr.Satinder Singh Bawa, APP
with SI Manish Tyagi

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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07.05.2024

CRL.M.A. 14036/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3663/2024

2. This application has been filed under Section 439(2) of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for cancellation of bail granted to the respondent no.2 vide Order dated 07/08.07.2022 passed by the learned Additional Sessions Judge (FTSC) (POCSO), South East District, Saket Courts, New Delhi in FIR No. 418/2022 registered at Police Station: Govind Puri under Sections 376/363/365/506 of the Indian Penal Code, 1860 (in short, 'IPC').

3. The learned counsel for the petitioner submits that the trial is now listed for recording of the statement of the



Complainant/petitioner. He submits that the Complainant/petitioner has been receiving regular threats from the respondent no.2 and his associates, wanting him not to depose in the case.

4. On a query from this Court if any written complaint in this regard has been made to the police, the learned counsel for the petitioner fairly admits that it is only verbal complaints that have been lodged in this regard. He further submits that earlier also the respondent no.2 had absconded, for which he is facing another prosecution.

5. On the other hand, the learned APP, on instructions from the Investigating Officer (IO), reiterates that post the grant of bail, the respondent no.2 has neither been found to have committed any further offence nor has been found to have violated any of the conditions imposed by the Court vide Order dated 07/08.07.2022 granting bail to the respondent no.2.

6. I have considered the submissions made.

7. As is evident from the above, the respondent no.2 has been on bail since 07/08.07.2022. There is no written complaint from the petitioner to the police of having received any threats. The version is only of oral complaints. As per the IO, the respondent no.2 has not been found to have committed any further offence or to, in any manner, have violated the terms of release on bail.

8. Considering the Order dated 07/08.07.2022 and the Order dated 19.10.2023 passed by the learned Trial Court refusing similar applications of the petitioner, as also being guided by the judgment of Supreme Court in *Deepak Yadav v. State of Uttar Pradesh and Anr.*



(2022) 8 SCC 559, in my view, at this stage, no case has been made out for cancelling the bail granted to the respondent no.2.

9. It is, however, made clear that, if the petitioner makes any complaint of any threat being perceived from the respondent no.2, the same shall be duly investigated, and if any merit is found therein, action in accordance with law including grant of protection to the Complainant/petitioner shall be taken. The mobile number of the IO shall be shared with the Complainant/petitioner.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MAY 7, 2024/ns/am

[Click here to check corrigendum, if any](#)