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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5707/2023, CRL.M.A. 21463/2023**

SHIVANI MITTAL

..... Petitioner

Through: Mr. R.S. Kharbanda, Advocate.

versus

**THE STATE GOVT OF NCT OF DELHI &
ANR.**

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP for
State with SI Shivani Mittal and SI
Sheetal, P.S. Rajouri Garden.
Mr. Harish Katyal, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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18.01.2024

1. By way present petition filed under Section 439(2) read with Section 482 Cr.P.C., the petitioner seeks to challenge the order dated 12.06.2023 passed by the learned ASJ (FTSC), RC-1, West, Tis Hazari Court, Delhi whereby bail has been granted to respondent No.2.
2. The primary reason to assail the impugned order is that the bail application came to be listed before the Sessions Court on 01.05.2023 where while granting interim protection to the respondent No. 2, the matter was re-notified for 10.07.2023. It appears that in consequence of order No. 704/16281-16343/S.V.Gaz/PDJ West/2023 dated 30.05.2023 of Ld. Principal District & Sessions Judge, West, THC, Delhi, the bail application was taken up on 12.06.2023. A reading of the said order would show that neither the counsel for the accused nor the complainant was present on



12.06.2023 and only accused/respondent No.2 was present alongwith concerned I.O. Along with the present petition, the petitioner has also placed on record screenshots of WhatsApp chats between the petitioner and I.O. wherein it appears that I.O. has enquired from the complainant if there is any Court date on that day to which complainant had replied in negative.

3. While issuing notice in the present petition the parties were referred to the Mediation to explore the possibility of an amicable settlement. A report from the Mediation Centre has been received thereby informing that the parties have not been able to settle the matter.

Considering the issue raised, this Court proceeds to hear the petitioner on merits of the bail application.

4. Learned counsel for the petitioner states that besides the allegations of Sections 498A/406/34 IPC the petitioner has also alleged that offence under Section 377 IPC was also made out. Learned counsel has taken this Court through the FIR in question.

5. Learned APP on instructions from the IO states that during the CAW Cell proceedings, the Respondent No.2/ accused has given an admitted list of articles which the petitioner is willing to accept.

6. Learned counsel for respondent No.2 states that neither there is any specific allegations of Section 377 IPC nor any medical report has been produced in support of the same. He however, on instructions from the respondent No.2, submits that respondent No.2 is ready and willing to return admitted list of articles.

7. I have heard the learned counsels for both the parties on the merits as well as learned APP for the State.

8. On a perusal of the FIR, it is apparent that there is no specific detail



with respect of allegations of Section 377 IPC. Considering the respondent No.2's suggestion that he is ready and willing to return the admitted list of articles and subject to him returning the same, I find no ground to interfere with the impugned order consequently petition is dismissed alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

JANUARY 18, 2024

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