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

+ **BAIL APPLN. 1889/2024**

PARVEEN KATARIA Petitioner

Through: **Ms.Yamini, Advocate**

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: **Mr. Aashneet Singh, APP for State**
Mr.Anup Kumar Das, Mr.Nairit
Bansal and Ms.Medhavi Bansal,
Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.05.2024

CRL.M.A. 16588/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 1889/2024

1. By way of present application filed under Section 438 Cr.P.C., the petitioner/applicant seeking anticipatory bail in FIR No.260/2024 registered under Sections 448/451/380/34 IPC at P.S. Vikas Puri, Delhi.
2. Learned counsel for the applicant contends that the complainant is the real brother of the applicant and has made allegations of trespass by the applicant in Shop No.1 in Flat No.197, Site III, Vikas Puri, New Delhi. It is stated that on 23.04.2024, the applicant had filed a complaint of trespass against the complainant with respect to the same property as well as another property bearing number 183, Site III, Vikas Puri, New Delhi. It is further



stated that the FIR has been lodged with a malafide intention as ownership disputes with respect to several properties including the subject properties are pending between the parties. Lastly, it is stated that the applicant undertakes to join investigation as and when directed to do so.

3. The bail application is opposed by learned APP for State, duly assisted by learned counsel for the complainant. Learned APP submits that during investigation, notice under Section 41A Cr.P.C. was issued and pasted at the premise of the applicant, however, the applicant had failed to join investigation. It is also stated that the complainant has produced CCTV footage, which shows that the applicant along with his son and another unidentified person cut the locks put on the property/shop in late night hours on 27.04.2024 and put their own locks.

4. Concededly, ownership disputes are pending between the parties and a notice under Section 41A Cr.P.C was issued to the applicant.

5. Through the applicant has failed to join investigation on an earlier occasion, however, considering the statement made before this Court today, the present application is allowed with a direction that subject to applicant joining investigation on 28.04.2024 at 4 PM, in the event of arrest, the applicant be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.



- (ii) The applicant shall join the investigation as and when asked.
 - (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court.
6. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MAY 27, 2024/rd