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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3940/2021**
LALA SOLANKIPetitioner

Through: Mr. Ankit Rai, Mr. Abhishek Sharma,
Juned Ansari, Advocates.

versus
THE STATE NCT OF DELHIRespondent
Through: Mr. Amit Ahlawat, APP for the State
with SI Raghubir Prasad, PS: Khyala.
Mr. Hemant Singh, Mr. Sushant Sagar
and Ms. Urvashi Jain (DHCLSC) for
Victim.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
29.08.2024

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1. This petition has been filed seeking regular bail in 673/2020 PS Khyala, under Sections 354/354B/341/323/506 IPC and Section 10 and 12 POCSO ACT.
2. The petitioner was initially arrested on 10th July, 2020 and was in custody till 05th November, 2020, thereafter, he had been given interim bail during the covid pandemic. Thereafter, he spent time in custody from 15th January, 2021 to 07th June, 2021 and after that petitioner was granted bail on the basis of HPC guidelines.
3. This petition for regular bail had been moved in 2021 by petitioner before this Court while issuing notice on 08th November, 2021. Interim bail order of 03rd June, 2021 of the ASJ was directed to be continued.



Subsequently, the interim bail was continued by successive orders of the Court.

4. In the meantime, the victim, the brother and the mother have been examined in between the years 2021-23.

5. There are no allegations made by any of the witnesses of having been influenced or threatened during the testimonies. Counsel for petitioner states that the petitioner is resident in between Delhi and Pune and has appeared in Court on every relevant date during trial.

6. Further, it is contended that the complaint was made in the background of landlord-tenant disputes, where the victim and her family were tenants in his premises and allegations were made on him when he went to seek the arrears of rent. APP for Stat, however, points out to the testimonies of the prosecution in that she has categorically stood by her complaint.

7. Recording of testimonies of witnesses commenced since 2021 and so far, only six witnesses have been examined and six witnesses are still left to be examined.

8. Counsel for petitioner points to the delay in trial and the fact that he is already been on interim bail since 2021, and therefore, is entitled for regular bail.

9. Considering these facts and circumstances, and particularly since the petitioner has been out on interim bail since 2021, extended by this Court from time to time, and there is no allegation of influencing the witnesses and he is consistently appearing before the Trial Court, in the opinion of this Court petitioner is entitled to get regular bail.

10. It is also been ascertained from counsel for complainant that the



complainant's family is now resident in Bihar.

11. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioner behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioner. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the complainant/victim or any member of the complainant/victim's family or tamper with



the evidence of the case.

12. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

13. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

14. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

ANISH DAYAL, J

AUGUST 29, 2024/RK

Click here to check corrigendum, if any