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

+ **BAIL APPLN. 2010/2024**

ABHISHEK SHARMA

..... Applicant

Through: Mr.Bhupendra Pratap Singh,
Mr.Nakul Nirwan, Ms.Ravina
Kumari, Mr.Anuj Kumar,
Mr.Harsh, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Aman Usman, APP with SI
Sarita.
Mr.Vikram Singh, Mr.Varun
Kumar, Mr.M.K.Guru,
Mr.Sourabh Aggarwal,
Ms.Saloni Mahajan, Advs. for
the complainant.
Victim is present (through VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **31.05.2024**

CRL.M.A. 17884/2024 (exemption)

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2010/2024 & CRL.M.A.17885/2024

2. This application has been filed under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'), seeking grant of Bail in FIR No.0109/2024, registered at Police Station: Tigri, South-District, Delhi, for offence under Sections 376/506 of the Indian Penal Code, 1860 (in short, 'IPC').



3. The learned APP opposes the maintainability of the bail application, placing reliance on the judgment of the Supreme Court in *State of Madhya Pradesh v. Pradeep Sharma*, (2014) 2 SCC 171; *Prem Shankar Prasad v. State of Bihar & Anr.*, (2022) 14 SCC 516; and in *Srikant Upadhyay & Ors. v. State of Bihar & Anr.*, 2024 SCC OnLine SC 282. He submits that as the proclamation under Section 82 of the Cr.P.C. has already been issued against the petitioner, the present application is not maintainable.
4. The learned counsel for the applicant submits that the applicant has challenged the issuance of process under Section 82 of the Cr.P.C. against the petitioner.
5. In view of the above-referred judgments, the appropriate remedy of the applicant would be in the proceedings challenging the process under Section 82 of the Cr.P.C., and the present bail application cannot be entertained at this stage.
6. The Bail Application along with pending application is accordingly dismissed.

NAVIN CHAWLA, J

MAY 31, 2024

RN/ss

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