



\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2169/2024**

DEV

.....Petitioner

Through: Mr. Abhinash K. Mishra, Adv.
versus

STATE

.....Respondent

Through: Ms. Kiran Bairwa, APP for State.
Victim/prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

05.07.2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0017/2024, under Sections 307/376/313/34 IPC, registered at P.S.: Mayur Vihar Phase-1.
2. In brief, as per the case of prosecution, law was set into motion on receipt of a PCR call on 11.01.2024 at around 08:50 AM to the effect that a girl aged about 19 years was found unconscious with injuries on her body. The victim appears to have been brutally assaulted with a slit throat and broken teeth. During course of investigation, it was revealed that the victim used to work in a clinic and was identified by her mother, who informed that the victim was in relationship with Yogesh @ Yuvi. In one of the CCTV footage of the place of incident, Yogesh @ Yuvi was captured and seen removing muffler from his face and dusting his clothes. Thereafter, on 13.01.2024, Yogesh @ Yuvi was arrested. During treatment, victim was found to be pregnant, but the foetus could not survive.
3. It is further the case of prosecution that chargesheet was filed after investigation, and during the aforesaid period victim was unfit to give her



statement. After filing of the chargesheet on 10.04.2024, the statement of the victim was recorded under Section 164 Cr.P.C. on 20.04.2024 and Sections 376/313/34 IPC were invoked, since allegations came on record in respect of the role played by the petitioner alongwith Yogesh @ Yuvi in the brutal assault of the victim. Notice was accordingly issued to petitioner under Section 41A Cr.P.C.

4. Learned counsel for the petitioner submits that the petitioner is in no manner involved in the incident and allegations did not come up against the petitioner during the course of investigation. He further submits that pursuant to interim protection granted by this Court vide order dated 26.06.2024, the petitioner has joined the investigation.

5. On the other hand, the application is vehemently opposed by learned APP for the State. Victim, is also present in person alongwith support person.

6. Admittedly, during the entire course of investigation till the filing of the chargesheet, the statement of victim could not be recorded on account of injuries suffered by her due to brutal assault. There appears to be no plausible reason to presume that the allegations have been falsely levelled.

Considering the facts and circumstances of the case, serious nature of allegations, injuries suffered by the victim and the evidence on record, no grounds for anticipatory bail are made out. Application is accordingly, dismissed. Interim protection granted to the petitioner vide order dated 26.06.2024 stands withdrawn. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

JULY 5, 2024/akc