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

+ **BAIL APPLN. 3114/2022 & CRL.M.(BAIL) 1274/2022**

MAYANK TOMER Applicant

versus

STATE & ANR. Respondents

+ **BAIL APPLN. 3206/2022, CRL.M.(BAIL) 1318/2022,
CRL.M.A. 12140/2023, CRL.M.A. 12141/2023,
CRL.M.A. 12142/2023 & CRL.M.A. 12143/2023**

PAWAN KUMAR Applicant

versus

STATE OF NCT OF DELHI & ANR. Respondents

Present: Mr. Bhumit Solanki, Mr. Naman Issrani, Advocates
for the applicants.
Mr. Pradeep Gahalot, APP for the State with SI
Deepak Kumar, PS Anand Vihar

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **03.04.2024**

1. The present applications are filed under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of pre-arrest bail in FIR No. 306/2022, under Sections 354D/406/506/34/120B of the Indian Penal Code, 1806, registered at Police Station Anand Vihar. The FIR was registered at the instance of Respondent No. 2.

2. The applicant in BAIL APPLN 3114/2022 is the husband of the complainant and the applicant in BAIL APPLN 3206/2022 is the father-in-law of the complainant.

3. This Court by order dated 18.10.2023 noted that there is a matrimonial dispute between the parties and granted interim



protection to the applicants, subject to them joining the investigation.

4. It is not disputed that the applicants have since joined the investigation, which has led to the filing of the chargesheet on 15.02.2024, under Sections 354D/406/506/509/120/120B/204/34 of the IPC. It is not disputed that apart from Section 406 of the IPC, offences in relation to other sections are bailable.

5. It is not alleged that the applicants are flight risk or that they will tamper with evidence if released on bail. The apprehension, even otherwise, can be taken care of by putting appropriate conditions. It is trite law that where the court is of the considered view that the accused has joined the investigation and is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided since, a great ignominy, humiliation and disgrace is attached to arrest. [Ref: *Bhadresh Bipinbhai Sheth v. State of Gujarat* : (2016) 1 SCC 152].

6. The purpose of custodial interrogation is to aid the investigation and is not punitive.

7. In view of the above, the applicants are admitted on bail on furnishing a personal bail bond for a sum of ₹25,000/- each with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicants shall join and cooperate with the investigation as and when directed by the Investigating Officer;
- b. The applicants shall not leave the NCT of Delhi without informing the IO/ SHO concerned;
- c. The applicants shall not leave the country without the permission of the learned Trial Court;



- d. The applicants shall not contact the complainant or tamper with the evidence in any manner;
 - e. The applicants shall give their mobile numbers to the concerned IO/SHO and shall keep their mobile phones switched on at all times;
8. In the event of there being any FIR/ DD entry/ complaint lodged against the applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the Trial and not be taken as an expression of opinion on the merits of the case.
10. The bail applications are allowed in the aforesaid terms. All the pending applications are disposed of.
11. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

APRIL 3, 2024
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