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

+ **BAIL APPLN. 3569/2023**

VARUN KWATRA

..... Petitioner

Through: Mr. Lokesh Kumar Mishra, Mr. Haider Khan, Mr. Nikhil Rawat, Mr. Abdullah Shahid and Mr. Shoaib Khan, Advocates.

versus

STATE (GNCT OF DELHI) AND ANR

..... Respondents

Through: Ms. Shubhi Gupta, APP for State with SI Sangita and SI Varsha, PS: Shakarpur.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

04.03.2024

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1. By this application, Applicant seeks anticipatory bail in case FIR No. 521/2023 dated 06.07.2023 under Section 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') registered at PS: Shakarpur, Delhi.

2. By order dated 20.10.2023, this Court directed that no coercive action shall be taken against the Applicant, subject to Applicant joining investigation as and when directed by the IO and fully co-operating in the same. Interim order has continued till date. Status report has been filed on behalf of the State largely dealing with the allegations on merits. It is brought forth in the report that pursuant to proceedings initiated under Section 82 Cr.P.C., the Trial Court has declared the Applicant as a proclaimed offender. After interim protection was granted by this Court,



Applicant joined investigation and was interrogated and medically examined. Charge Sheet has been filed under Sections 376/174A IPC and Section 6 of POCSO Act. Cognizance of the offence has been taken by the Court and the matter has been committed for trial before the concerned learned Sessions Court and the matter is now at the stage of prosecution evidence. It is strenuously urged that in view of the declaration of the Applicant as a proclaimed offender and Section 174A IPC having been added in the Charge Sheet, Applicant is not entitled to anticipatory bail and the same be dismissed.

3. Learned counsel for the Applicant states that he may be permitted to withdraw the present application with liberty to file an application before the Trial Court for regular bail after the Applicant surrenders. It is stated that the Applicant shall surrender before the Trial Court on 20.04.2024 i.e., the next date fixed before the Court and the interim protection be continued till the said date.

4. Present application is disposed of as withdrawn with liberty to the Applicant to approach the Trial Court after he surrenders on 20.04.2024. Needless to state that if an application is filed for bail before the Trial Court, it shall be considered on its own merits and in accordance with law. Considering that the Applicant has been under interim protection, it is directed that no coercive action shall be taken against the Applicant, till the next date of hearing before the Trial Court.

JYOTI SINGH, J

MARCH 04, 2024/pa/shivam