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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2652/2024, & CRL.M.A. 22101/2024.**
SUNIL KUMARPetitioner

Through: Mr. Lokesh Kumar Mishra, Mr. R. C. Bhargav and Mr. H.S. Bhargav, Ms. Swarmika Bhargav, Mr. Haider Khan and Mr. Imran Malik, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Hitesh Vali, APP for State with SI Ashish, PS: Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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05.08.2024

CRL.M.A. 22100/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 2652/2024

1. This petition has been filed seeking anticipatory bail in FIR No. 358/2023 registered at Rajouri Garden, Delhi, under Sections 323/376D/354/354B/456/34 IPC.
2. Counsel for petitioner states that a prior FIR had been registered no. 323/2024 by the friend of the petitioner namely Santosh against the complainant and her associates. Santosh is also one of the accused in the present FIR.



3. As per petitioner, on the date of the incident of 19th June, 2024, when Santosh, his mother and landlady were crossing the house of the complainant, complainant started abusing them and threatening to withdraw the said FIR. A crowd of 15-20 persons gathered.
4. As per the petitioner, he went to see that what was happening and did not join the chaos.
5. In the FIR itself, the complainant states that she made a PCR call stating that there was a quarrel which was happening; subsequently, however, in a statement under Section 164 Cr.P.C. she has improved her version that she was gang raped.
6. Notwithstanding the contentions of the petitioner, it now transpired that the petitioner had joined the investigation on 02nd August, 2024; it is confirmed by the IO.
7. Despite no interim protection granted by this Court, no arrest was considered necessary at this stage. The other co accused, Raj Kumar and Manish have already joined the investigation.
8. Accordingly, the said petition is allowed.
9. In light of the above, the Court is of the considered opinion that the petitioner is entitled to anticipatory bail. Consequently, in the event of arrest the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 25, 000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the petitioner will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case.
10. Accordingly, the petition is disposed of. Pending applications (if any)



are disposed of as infructuous.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 5, 2024/RK