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

+ **BAIL APPLN. 2668/2024**

GAUTAM

.....Petitioner

Through: Mr. Hiren Sharma, Mr. Vimal Tyagi,
Mr. Saurabh Goel and Mr. Tripti
Jha, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for
the State with SI Neetu Bisht, PS
Paschim Vihar East.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **02.08.2024**

CRL.M.A. 22301/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2668/2024 (under Section 482 of BNSS filed by the petitioner for grant of anticipatory bail)

3. The application under Section 482 of B.N.S.S. has been filed on behalf of the petitioner for grant of Anticipatory Bail in FIR No.315/2024 under Section 376/308/506 of the IPC and Section 6 of POCSO Act, registered at Police Station Paschim Vihar.
4. Learned counsel for the petitioner submits that the petitioner and the respondent/prosecutrix, were both adults and they have got married, which



was against the wishes of the family of the prosecutrix, who was therefore giving beatings, which have been recorded in the MLC. It is further submitted that during the investigation, the interim protection was given to the petitioner, who had joined the investigation. The Charge-Sheet was filed in the trial court, without arrest of the petitioner. However, the anticipatory bail application which had been filed in the interim, before the filing of the Charge-Sheet, has now been dismissed vide Order dated 23.07.2024.

5. In view of the submissions that the Charge-Sheet has already been filed, without arrest of the petitioner and in the light of the Judgment of the Apex Court in Satender Kumar Antil vs. Central Bureau of Investigation, (2022) 10 SCC 51, which say that where the Charge-Sheet has been filed without arrest of the accused, he must be admitted to bail on his appearance in the Court.

6. After some arguments, learned counsel for the petitioner seeks permission to withdraw the petition.

7. Petition is permitted to be withdrawn with liberty to appear before the trial court and seek Regular Bail as mandated under the law.

8. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

AUGUST 2, 2024/RS