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

+ **BAIL APPLN. 2702/2024**

HIMANSHU MANGLA

.....Petitioner

Through: **Mr.Gaurav Malik & Mrs. Richa
Narang Malik, Advocates**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr.Satish Kumar, APP for the State
Mr.Shiv Charan Garg, Mr.Imran
khan, Ms. Jahanvi Garg and Ms.
Arshia Jain, Advocates for R-
2/complainant**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

22.10.2024

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1. The instant application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the applicant seeking anticipatory bail in FIR bearing No. 378/2023 registered at Police Station - K.N. Katju Marg, Delhi for the offences punishable under Sections 498A/406/377/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing for the applicant submitted that the applicant is an innocent person and has not committed any offence as alleged in the FIR. It is submitted that the complainant has filed the aforesaid FIR with *malafide* intentions for the purpose of harassing the applicant-husband. It is further submitted that the FIR was earlier registered for offences punishable under Sections 498A/406/34 of the IPC, however,



the complainant, in order to circumvent the guidelines laid down by the Hon'ble Supreme Court, by way of a malicious complaint, added Section 377 of the IPC to the said FIR.

3. Learned counsel for the applicant submitted that the applicant is a citizen of this country and is currently living and working in Australia. It is submitted that the applicant moved to Australia in the year 2019 to pursue Masters Degree and in the year 2021, he started working in Australia itself. It is submitted that the complainant has also registered a complaint with the Police Authorities of Australia and the copy of the said report is appended as Annexure A-3 to the instant application. As per the rules of Australia, the applicant and the complainant are prohibited to communicate with each other for a period of three days.

4. It is also submitted that the complainant has also written a letter dated 5th May, 2023 to the applicant and the contents of the same reflect that the applicant has not committed any cruelty towards the complainant. The copy of the said letter is appended as Annexure A-7 to the instant application.

5. It is further submitted that the applicant undertakes to abide by any condition imposed by this Court while granting anticipatory bail. Moreover, there is no history of previous involvement of the applicant in any criminal case and has clean antecedent.

6. *Per contra*, the complainant appearing in-person, submitted that since the applicant is a resident of Australia, he may not appear before the learned Trial Court and may delay the proceedings. It is further submitted that the applicant has committed a serious offence under Section 377 of the IPC and therefore, is not entitled for any concession of bail. It is submitted that the letter dated 5th May, 2023, which was written by her to the applicant, was



written with a *bonafide* intention to save her marriage.

7. Learned APP appearing on behalf of the State, appearing on advance notice, submitted that the investigation has already been completed and chargesheet has been filed. Thus, the applicant is not required for custodial interrogation. However, it is fairly conceded that the applicant may be granted anticipatory bail, subject to the condition that he may appear before the Investigating Officer/Court concerned as and when required.

8. Heard learned counsel for the parties and perused the material placed on the record.

9. Keeping in view that the chargesheet had been filed, investigation had been completed, clean antecedent of the applicant and undertaking of the applicant to appear before the Court concerned as and when required, along with the documents appended as Annexures A-3 and A-7 to the instant application, this Court is inclined to grant protection to the applicant.

10. Accordingly, it is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of Rs.2,00,000/- (Rupees Two Lacs only) with two solvent sureties of like amount each to the satisfaction of the Investigating Officer/ Court concerned subject to the conditions as follows:-

- a) The applicant shall appear before the Court concerned as and when required;
- b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- c) The applicant shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;



d) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer/Court concerned by way of an affidavit.

11. With the aforesaid directions, the instant bail application stands disposed of.

12. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of protection to the petitioner, which shall not be construed as an expression of final observations on the merits of the case.

CHANDRA DHARI SINGH, J

OCTOBER 22, 2024

Dy/mk

[Click here to check corrigendum, if any](#)