



\$~10

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3906/2023**

JITENDER @ JEET Applicant
Through: **Mr.Siddhant Nath, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through: **Ms.Priyanka Dalal, APP with**
SI Annu.
Mr.Sanjay Rathi, Mr.Sandeep
Rathi, Mr.Mohit Rathi,
Mr.Manish Malik, Mr.Vihrant
Chhillar, Advs. for complainant

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
19.03.2024

%

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking grant of anticipatory bail to the Applicant in FIR No.455/2023 dated 03.11.2023 registered at Police Station: Hauz Khas, South District, Delhi under Section 376 of the Indian Penal Code, 1860 (in short, 'IPC').
2. The Applicant was granted *interim* protection by this Court by the Order dated 20.11.2023, *inter-alia* on the following undertakings:

"5. Mr. Uppal, learned Senior Counsel, on instructions, submits that in order to avoid any further controversy, Petitioner undertakes that he shall move out of the present premises in which he is residing, wherein the Complainant also lives, into another accommodation and



will not contact the Complainant in any manner.”

3. The Status Report dated 15.03.2024 has been handed over by the learned APP. It states that the chargesheet has already been submitted before the learned Trial Court.

4. The learned counsel for the complainant submits that though the Applicant is not living in the same premises, his other family members, including his wife, sister, and other family members, are staying there and they are putting pressure on the complainant. He submits that a complaint in this regard has also been made to the senior police officials.

5. The learned APP states that a similar complaint has also been made by the wife of the Applicant.

6. Without entering into this controversy, as the chargesheet already stands filed and the investigation is complete, and keeping in view the nature of the allegations made, it is directed that in the event of arrest in FIR No. 455/2023 registered at Police Station: Hauz Khas, South District, Delhi under Section 376 of the IPC, the Applicant shall be released on bail on the conditions as stipulated in the Order dated 20.11.2023, which in addition to the above undertaking, are as under:

“In light of the above, it is directed that in the event of arrest of the Petitioner in FIR No. 455/2023 dated 03.11.2023, Petitioner will be released on bail, on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of like amount to the satisfaction of the IO/Arresting Officer and further subject to the condition that Petitioner shall join investigation as and when directed and will furnish his cell phone number(s) to the



concerned IO and keep the same active at all times. Petitioner shall not directly or indirectly make any inducement, threat or promise to the Complainant or to any other person associated with the case. Petitioner will remain bound by the undertaking given to the Court that he will move out of the residential premises, in which he is currently residing, at the address furnished in the memo of parties, to another accommodation. The new residential address will be furnished to the concerned IO.”

7. It is made clear that this Order, however, shall not preclude the complainant or the prosecution to move an appropriate application before the learned Trial Court for seeking cancellation of the bail, in case the situation so warrants. Such an application shall be considered by the learned Trial Court in accordance with law and without being influenced by the observations made in the present order.

8. The application stands disposed of in the terms.

NAVIN CHAWLA, J

MARCH 19, 2024/Arya/AS

Click here to check corrigendum, if any