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

+ **BAIL APPLN. 4044/2023**

DEEPAK

..... Petitioner

Through: Mr. H.S. Gulati & Mr. Pradeep
Teotia,

Advs. (through VC).

versus

STATE G.N.C.T OF DELHI

..... Respondent

Through: Mr. Hemant Mehla, APP for the
State with Ms. Mridul Sharma,
Advocate alongwith SI Akash Kumar
& HS Sakshi, P.S. Bhajanpura.
Mr. Gaurav Sharma, Adv. (DHCLSC)
for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

29.04.2024

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1. The present application under Section 438 read with Section 482 of the Cr.P.C seeks anticipatory in case FIR No. 455/2023 under Sections 354/354(A)/506 of the IPC, registered at P.S. Bhajanpura, Delhi.
2. The case of the prosecution as per the status report dated 18.01.2024 authored by Insp. Narender Kumar, SHO Bhajanpura, Delhi is as under:-

“1. That on 19.04.2023 complainant visited at PS Bhajanpura and reported the matter of molestation and eve-teasing by the accused when she had gone to take water. Place of incident was visited by IO then neither any eyewitness nor any CCTV camera was found Thereafter on 27.05.2023 a complaint was given by complainant 'R' vide DD No. 31B and accused Deepak as given notice U/s 41A to join the inquiry, he did not join inquiry in spite of this he filed anticipatory bail application in above said matter in the session court

2. That on 16.08.2023 complainant 'B' W/o 'R' came at police station and her fresh statement was recorded, Where-in she stated that "She resides at the above- mentioned address on rent along with her family



and she is a housewife. On 19.04.23 at about 6,00 AM, she went to the house of her neighbour Deepak for taking/filling water. When she was taking/filling water, Deepak caught hold her from behind and took her to the room and he started beating her. Then she gave teeth bite in his hand and by making herself released, she rushed towards the door and started calling by the name of her sister Raza Bai. Hearing her voice, her sister came at the gate of the room. Then due to fear, Deepak opened the door and threatened her that "AGAR TUMNE ISKE BARE MAIN KISI KO BATAYA TO JAAN SE MAR DUNGA." Then thereafter she came to her home and talk about the same to her husband. her husband told her to tell the same to his mother and call her in the house. Then she went to the house of Deepak, and narrated the entire facts to his mother but in spite of the same, his mother did not come to her house".

3 That in his written statement she denied for her medical examination.

4 That after recording statement Case FIR NO. 455/23 U/s 354/354(AV506 IPC was registered and further investigation of the case was handed over to W/HC Sakshi NO. 2821/NE

5. That during course of investigation on 22.08.2023 statement U/s 164 of the victim was recorded from the Hon'ble court of Ms. Arushi Parwal Ld, MM KKD court Delhi.

6. That during further course of investigation searched was made for accused Deepak at his residential address H. No. 127 Gali NO. 22, D Block Bhajanpura, Delhi but he was not traceable. On 15.10.2023 a notice U/s 41.A CrPC was pasted at the known address of accused Deepak for joining investigation.

7 That on 19.10.2023 complainant filed an application for granting anticipatory bail in the court of Sh. Ajay Gulati Ld, ASJ KKD court and he was directed to Join investigation and application was kept pending for 21.11.2023.

8 That on 19.10.2023 accused Deepak joined the investigation, his interrogation report was prepared by WHC Sakshi No. 2821/NE

9 That on 21.11.2023 anticipatory bail application of the accused was dismissed by Sh. Ajay Gulati Ld, ASJ KKD Court Delhi.

10 That it, is pertinent to mention here that a bail application of the accused Deepak was dismissed by Sh. Pankaj Arora Ld, ASJ KKD court. Delhi on 29.08.2123 since applicant/accused did not pursue his anticipatory bail application".

3. Learned counsel appearing on behalf of the applicant submits that as per the FIR in present case, the alleged incident had taken place on



19.04.2023, however, the complaint was received on 27.05.2023 and the FIR was registered on 16.08.2023. Learned counsel appearing on behalf of the applicant submits that the present FIR was registered on account of dispute between the applicant and complainant with regard to fetching of water. It is submitted that in pursuance of interim protection granted *vide* order dated 03.12.2023, the applicant has joined investigation as and when called by the Investigating Officer. It is further submitted that the applicant is not involved in any other case. It is further submitted that investigation in the present case is complete and the applicant is ready and willing to abide by any condition as may be imposed by this Court.

4. *Per contra*, learned APP for the State, assisted by learned counsel for the complainant, submits that allegations in the present FIR are serious in nature, the investigation is still continuing, and, therefore, in view of the facts and circumstances, the present application may be dismissed. Learned APP for the State, on instructions of the Investigating Officer, submits that investigation in the present case is near completion and chargesheet shall be filed in due course of time.

5. Heard learned counsel for the parties and perused the record.

6. The allegations in the present FIR pertains to an alleged incident dated 19.04.2023, regarding which a complaint was filed by the complainant on 27.05.2023. In pursuance of the interim protection granted by Predecessor Bench of this Court, the applicant has joined investigation as and when directed by the Investigating Officer.

7. Keeping in view the totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs.



25,000/- with two sureties of like amount to the satisfaction of the learned Trial Court/Link Court/Investigating Officer/Arresting Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant shall join the investigation as and when called by the Investigating Officer concerned.
 - v. The applicant will not try to influence the witnesses in any manner.
 - vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
8. The application is allowed and disposed of accordingly.
 9. Pending applications, if any, also stand disposed of.
 10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
 11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 29, 2024/nk

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