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

+ **BAIL APPLN. 4065/2023, CRL.M.A. 32944-45/2023**

BHAGWAN DAS

.....Petitioner

Through: Mr. Shubham Gupta, Ms. Perna Gupta, Mr. Praween Gupta and Mr. Rajesh Pal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP with SI Pinki, PS: Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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04.09.2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 1041/2023, under Sections 376/506/34 IPC, registered at PS: Nihal Vihar.
2. Learned counsel for petitioner submits that petitioner was granted interim protection vide order dated 04.12.2023 passed by Hon'ble Mr. Justice Saurabh Banerjee after taking into consideration the contentions raised on behalf of petitioner that the relationship between petitioner and prosecutrix was consensual in nature, which was revealed from the photographs furnished on record. He further submits that petitioner and prosecutrix are stated to be in relationship during 2019-2020, but present FIR was lodged only after a delay of about 2-3 years. Learned counsel for petitioner emphasizes that petitioner has joined the investigation and submitted his mobile phone for the purpose of FSL examination.



3. Learned APP for State, on instructions of IO, informs that chargesheet has already been filed against co-accused except the petitioner, since PO proceedings issued against the petitioner were pending at the relevant time.

4. Considering the totality of the facts and circumstances, since petitioner has already joined investigation and chargesheet is to be shortly filed against the petitioner, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of IO / SHO, PS: Nihal Vihar and subject to following conditions:

- (i) Petitioner shall join the investigation as and when directed by the Investigating Officer (IO) / SHO, PS: Nihal Vihar;
- (ii) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO, PS: Nihal Vihar, which shall not be changed during pendency of proceedings; and
- (iii) In case of change of address, petitioner shall intimate / communicate his fresh address to the IO / SHO, PS: Nihal Vihar as well as learned Trial Court.
- (iv) Petitioner shall not threaten or influence the witnesses in any manner.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

SEPTEMBER 4, 2024/R