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

+ CRL.M.C. 6280/2024

K.

.....Petitioner

Through: Mr. Kshitij Gaur, Mr. Shubham Singh, Mr. Abhinav Gaur, Mr. Sachidanand Singh, Mr. Punit, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State with SI Sandeep Yadav.
Mr Vinay Kumar Sharma, Mr Prince, Mr Aaditya, Ms Ritu Kumari & Mr. Aarin Kaushik, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

09.12.2024

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1. The instant petition under Section 483(3) read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed seeking cancellation of anticipatory bail granted to the respondent no.2 on the ground of violation of the terms and conditions of the bail in FIR No. 146/2024 registered under Sections 328/376/506 of the IPC registered at Police Station - DBG Road, Central District, Delhi.
2. Learned counsel appearing for the prosecutrix submitted that by order dated 16th July, 2024, a Coordinate Bench of this Court granted anticipatory



bail to the respondent no.2 in the instant FIR.

3. Learned counsel for the prosecutrix submitted that after his release on anticipatory bail, the respondent no.2 alongwith his accomplice, namely, one Ms. Payal, wife of the accused and one Ms. Priyanka hatched a conspiracy to threaten the prosecutrix by pressurizing the prosecutrix's brother-in-law, namely, Mr. Gautam, to coerce the prosecutrix into entering a compromise with the respondent no. 2 in respect of the instant FIR.

4. It is submitted that on 19th July, 2024, the respondent no.2 along with the above stated persons called the brother-in-law of the prosecutrix at the office of the Deputy Commissioner of Police, Security (hereinafter "DCP, Security") and thereafter, brother-in-law of the prosecutrix was pressurized to coerce the prosecutrix for compromising the matter. It is further submitted that the brother-in-law of the prosecutrix was even forcefully confined at the office of the DCP, Security to secure a settlement with the prosecutrix.

5. It is submitted that the prosecutrix's brother-in-law was forced to call the prosecutrix at the said office and when she reached there, she witnessed that the respondent no.2, alongwith the other aforesaid accomplices, were physically assaulting her brother-in-law because of which he sustained critical injuries on his face and other parts of the body.

6. It is submitted that the prosecutrix as well as her brother-in-law lodged a complaint at the Police Station - Chanakya Puri on the same day i.e., 19th July, 2024. It is further submitted that in view of the above facts and circumstances, it is crystal clear that after the grant of anticipatory bail to the respondent no.2, he has violated the bail conditions imposed upon him.



7. Therefore, it is prayed that the anticipatory bail granted to the respondent no.2 *vide* order dated 16th July, 2024 may be cancelled.

8. *Per contra*, learned APP appearing for the State vehemently submitted that on the receipt of the complaint, the police thoroughly investigated the matter and found that the allegations made by the complainant are untrue and incorrect. Referring to the Status Report filed by the investigating agency, which was handed over to this Court during the course of arguments, it is further submitted that after the investigation, no evidence was found against respondent no.2/accused person as alleged in the complaint. The said Status Report is taken on record.

9. It is submitted that the non cognizable report (hereinafter “NCR”) was recorded on the complaint of the prosecutrix and her brother-in-law, but no material was found by the police upon investigation. Learned APP handed over the copy of the NCR during the course of arguments and the same is taken on record. It is further submitted that the investigation has already been completed and the chargesheet is filed.

10. It is submitted that in view of the above facts and circumstances, no case is made out for cancellation of the anticipatory bail as no evidence was found upon investigation regarding the complaint made by the prosecutrix and her brother-in-law.

11. Heard the learned counsel for the parties and perused the contents in the petition as well as the Status Report.

12. At this stage, it is imperative for this Court to discuss the settled law on the aspect of cancellation of bail. In the case of ***Deepak Yadav v. State of U.P., (2022) 8 SCC 559***, the Hon’ble Supreme Court laid down the factors that must be considered while deciding the issue of cancellation of bail. The



relevant portion of the judgment is reproduced as under:

“31. This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted).

32. A two-Judge Bench of this Court in Dolat Ram v. State of Haryana laid down the grounds for cancellation of bail which are:

- (i) interference or attempt to interfere with the due course of administration of justice;*
- (ii) evasion or attempt to evade the due course of justice;*
- (iii) abuse of the concession granted to the accused in any manner;*
- (iv) possibility of the accused absconding;*
- (v) likelihood of/actual misuse of bail;*
- (vi) likelihood of the accused tampering with the evidence or threatening witnesses.”*

13. From the above quoted judgment of the Hon’ble Supreme Court, it is well-established that cancellation of bail can be done if the Court is satisfied that the accused who has been enlarged on bail, has interfered or attempted to interfere with the course of administration of justice. Therefore, the Court has to examine the facts and circumstances of the case at hand in view of the said principle for deciding the issue of cancellation of bail.

14. Adverting to the merits of the present case, this Court has taken into consideration the prosecutrix’s submission that the brother-in-law of the prosecutrix, namely Mr. Gautum, was physically assaulted so as to coerce him into exerting pressure on the prosecutrix to secure a compromise with



the respondent no. 2.

15. This Court has also considered the submissions made on behalf of the learned APP as well as the Investigating Officer present before the Court that even after thorough investigation, no evidence was found against respondent no.2 which establishes that the prosecutrix or her family was subjected to threat or intimidation. It is also noted that the chargesheet in the instant FIR has been filed before the Court concerned.

16. Further, it is clear from a bare perusal of the Status Report that on the date of the incident i.e., 19th July, 2024, injuries were sustained by both sides, i.e., the brother-in-law of the prosecutrix as well as the respondent no. 2.

17. In view of the above facts and circumstances, this Court is not satisfied that the respondent no. 2 has interfered or attempted to interfere with the course of administration of justice. Further, the prosecutrix has been unable to substantiate the propositions put forth by her that the respondent no. 2 has violated the bail conditions. Therefore, this Court does not find any cogent reason at this stage to cancel the anticipatory bail granted to the respondent no. 2.

18. Accordingly, the instant petition, along the pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

DECEMBER 9, 2024

NA/st

Click here to check corrigendum, if any