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

+ **BAIL APPLN. 4155/2023 & CRL.M.A. 33891/2023**

LALIT BHATIA

..... Petitioner

Through: Mr. Ansh Makkar, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with SI Manisha PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.03.2024

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1. The present petition has been filed under Section 438 CrPC seeking anticipatory bail in connection with FIR No. 623/2022 under Sections 363/370/370A/376D/34 IPC registered at PS Punjabi Bagh.
2. The case of the prosecution is that on 30.09.2022 the complainant made a complaint / report about the disappearance of her daughter, which led to the registration of the aforesaid FIR.
3. On 09.10.2022 during the investigation the daughter of the complainant was recovered from beauty parlour / spa thereafter she was medically examined and her statement under Section 161 CrPC was recorded.
4. The learned counsel for the petitioner invites the attention of the Court to the statement of the victim recorded under Section 161 CrPC, to



contend that the victim in her very first statement has stated that she had left her home on her own and without telling her family members, which led to the registration of missing report. She further stated no wrong has been done to her.

5. He also invites the attention of the Court to the supplementary statements of the victim recorded under Section 161 CrPC whereby the victim has given a clean chit to the present petitioner.

6. The learned counsel submits that the petitioner does not have any criminal antecedents.

7. The learned APP on the other hand submits that though the allegation of rape are not against the present petitioner but the role ascribed to the petitioner is that he had taken the victim to the house co-accused Jyoti with the knowledge that the victim will be subjected to immoral trafficking.

8. I have considered the submissions of the learned counsel for the petitioner as well as learned APP for the State and have perused the records.

9. The first statement of the prosecutrix recorded under Section 161 CrPC clearly shows that the victim has not implicated the present petitioner, she has rather stated that no wrong was done to her. Similarly, in the supplementary statement recorded under Section 161 CrPC, she has stated that though the petitioner had taken her to the house of Jyoti but no wrong was done to her by the present petitioner nor any money was received by the petitioner.

10. In view of the categorical statements made by the victim under Section 161 CrPC exonerating the petitioner and considering the fact that admittedly, no allegation of rape against the present petitioner, the petitioner is entitled to an anticipatory bail.



11. Accordingly, it is directed that in the event of petitioner being arrested, he be released on bail subject to his furnishing personal bond in the sum of Rs. 25,000/- and a surety bond of the like amount to the satisfaction of the Investigating Officer / Arresting Officer further subject to the condition that he will join investigation as and when directed by the IO concerned.

12. The petition stands disposed of.

13. Order *dasti* under signatures of the Court Master.

14. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MARCH 7, 2024

N.S. ASWAL