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

+ **BAIL APPLN. 48/2024**

MUKESH

..... Petitioner

Through:
versus

STATE (NCT OF DELHI)

..... Respondent

Through:

+ **BAIL APPLN. 52/2024**

LEELU

..... Petitioner

Through:
versus

STATE (NCT OF DELHI)

..... Respondent

Through:

Presence :

Ms. Pratiksha Tripathi, Mr. Rohit Kumar,
Ms. Himanshi Singh and Mr. Abhilash Bhutani,
Advocates with Petitioners in-person in both items.
Mr. Mukesh Kumar, APP with W/SI Usha Yadav,
PS: Mehrauli in both items.

Ms. Tanya Agarwal and Mr. Nikhil Srivastava,
Advocates for Prosecutrix in both items.

Mr. Rajan Kumar Prasad, Advocate for
Complainant in both items.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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04.03.2024

1. Separate bail applications under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') have been preferred on behalf of the petitioners for grant of regular bail in FIR No. 451/2023 under Sections 323/341/506/509 IPC and Sections 8/12 POCSO Act registered at P.S.: Mehrauli, Delhi.



2. Learned counsel for the petitioners submits that relations between families of petitioners and complainant are inimical since 2020, as initially in the year 2020, FIR No. 77/2020, under Sections 354/509/323/34 IPC was registered at PS: Mehrauli, at instance of niece of petitioners, on which the family relations of complainant were booked.

As a counter to aforesaid FIR, a case under Sections 354/506/34 IPC and Section 8 of POCSO Act was registered against the family relations of petitioners including Leelu, vide FIR No. 811/2020. The accused therein are stated to have been released on anticipatory bail.

3. It is further submitted that since family relations of petitioners were being threatened to withdraw FIR No. 77/2020 referred to above, an FIR No. 218/2023 was lodged, under Sections 506/509/195A IPC at P.S.: Mehrauli.

Thereafter, as a counter blast to the aforesaid FIR, another FIR, under Sections 328/376D/354/506/34 IPC and Section 8 of POCSO Act, P.S.: Mehrauli was lodged after 20 days of an alleged incident by factions of complainant, on which, both petitioners were impleaded as accused but were never arrested by the Police during investigation.

4. The case of the petitioners is that they have been falsely implicated in the present FIR as a counter blast to existing litigation between the parties. Further, petitioners are stated to be languishing in custody for more than six months, since 27.08.2023.

5. On the other hand, the applications are opposed by learned APP for the State assisted by learned counsel for the complainants. Status report has been filed on record and it is submitted that the case is pending at the stage of consideration of charge.



6. I have given considered thought to the contentions raised.

Admittedly, the chargesheet has already been filed and petitioners are no longer required for the purpose of investigation. There appears to be a history of litigation and counter FIRs between the parties.

Considering the facts and circumstances, petitioners be released on bail on furnishing personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) each, with one surety in the like amount each to the satisfaction of the learned trial court.

Applications are accordingly disposed of. Pending applications, if any, also stand disposed of. Copy of this order be kept in connected application.

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

ANOOP KUMAR MENDIRATTA, J.

MARCH 04, 2024/R