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

(5)+ BAIL APPLN. 174/2024

MOHAMMAD HASIB

..... Petitioner

Through: Mr.Vikas Azad & Mr.Kamran
Ahmad Khan, Advs.

versus

STATE OF DELHI NCR

..... Respondent

Through: Ms.Priyanka Dalal, APP.
Insp. B.D. Meena, PS Badarpur.

(6)+ BAIL APPLN. 291/2024

NASEEM AHMED

..... Petitioner

Through: Mr.Rohit Rattu, Adv.

versus

STATE

..... Respondent

Through: Ms.Priyanka Dalal, APP.
Insp. B.D. Meena, PS Badarpur.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **18.03.2024**

1. These applications have been filed by the Applicants herein, under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for being released on Bail in FIR No.189/2023 registered at Police Station: Badarpur, South-East, Delhi under Sections 5(2)/6/23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (in short, 'PC&PNDT Act') and under Sections 420/120B of the Indian Penal Code, 1860 (in short, 'IPC').

2. Post filing of the Bail Applications, a Final Report has already been filed. A complaint has also been filed in terms of Section 28 of the PC&PNDT Act.



3. The learned counsels for the applicants submit that the investigation is complete, the applicants have been in custody since 09.06.2023, and there is no likelihood of them absconding.

4. They further submit that by the allegations that have been made in the FIR and the consequential charge-sheet, no case is made out against the applicants under Section 23 of the PC&PNDT Act and, in any case, for the same, a complaint already stands filed against the applicants. They further submit that no case under Sections 420/120B of the IPC is made out against the applicants.

5. They further submit that a co-accused, namely, Manish Kumar, has already been granted Bail by this Court vide order dated 03.01.2024 passed in BAIL APPLN. 3173/2023.

6. The learned APP, on the other hand, opposes the above applications by contending that the applicants have been charged for offence under the PC&PNDT Act, as they were luring the gullible persons and helping them to conduct sex determination tests.

7. She submits that recovery of money has also been made from the applicants. The serial numbers of the currency notes recovered from the applicants match with the ones handed over to the decoy patient. Therefore, their case is different from the case of the co-accused Manish Kumar.

8. I have considered the submissions made by the learned counsels for the parties.

9. As noted hereinabove, the applicants have been in custody since 09.06.2023. The investigation is already complete, and the charge-sheet as also a complaint under Section 28 of the PC&PNDT Act



already stands filed.

10. Keeping in view the above, it is directed that the Applicants be released on Bail in FIR No.189/2023 registered at Police Station: Badarpur under Sections 5(2)/6/23 of the PC&PNDT Act and under Sections 420/120B of the IPC on furnishing personal bond(s) in the sum of Rs.25,000/- (each) with one local surety each of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant(s) will not leave the country without the prior permission of the learned Trial Court.
- ii. The Applicant(s) shall provide his permanent address to the learned Trial Court. The Applicant(s) shall also intimate the Court, by way of an affidavit, and to the Investigating Officer (IO) regarding any change in his residential address.
- iii. The Applicant(s) shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The Applicant(s) shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant(s) in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.
- v. The Applicant(s) shall not indulge in any criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses, or tamper with the evidence of the case while being released on



Bail.

vi. In case the Applicant(s) is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his Bail in the present case as well.

11. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.

12. The applications are disposed of in the above terms.

13. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

NAVIN CHAWLA, J

MARCH 18, 2024/rv/RP

Click here to check corrigendum, if any