



2024 :DHC :8688



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

% **Date of order: 11th November, 2024**

+ **BAIL APPLN. 3262/2024**

BHIM YADAV

.....Petitioner

Through: **Mr. Aseem Mehrotra, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP.**

CORAM:

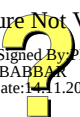
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. By way of the present application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter "CrPC") (now Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the applicant seeks regular bail in FIR No.471/2018 registered for offences punishable under Sections 370/174A of the Indian Penal Code, 1860 (hereinafter "IPC") and Sections 75/79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter "JJ Act") at Police Station - Shalimar Bagh, Delhi.

2. On 25th August, 2018, an FIR bearing No. 471/2018 was registered on the complaint made by Ms. AK stated to be 15 years of age and a resident of a village in Jharkhand to the effect that she came to Delhi for work where





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she was informed by one Ms.Soniya and one Ms.Sumeera that they have an acquaintance whose office is in Shalimar Bagh and they were willing to employ her on the salary ranging between Rs. 3,000/- to Rs. 4,000/- per month.

3. It is stated that Ms. Soniya and Ms. Sumeera brought her to Delhi and they took her and introduced her to persons namely Mr. Bhim/applicant herein, Mr. Pradeep, Mr. Sunil Tikri and Mr. Pradeep (all co-accused). The complainant was then taken to a *kothi* for house hold work for Rs. 3,500/- per month.

4. However, the *kothi* owner did not give the complainant proper food and engaged her throughout the day in the house hold work without any rest. Therefore, she ran away from that house and reached at the office of the accused. Thereafter, when the complainant narrated the whole facts to Mr.Pradeep and Mr.Sunil, and denied to go back to the house hold for work at *kothi*, the accused allegedly started beating her. Hence, she ran away from the office and taking help from the public, she reached the concerned police station for help.

5. On the basis of the above information, the aforesaid FIR was registered against the accused persons under Section 370 of the IPC read with Sections 75/79 of the JJ Act. According to the prosecution, a raid was done in office of Mr.Pradeep where minor girls and boys were present with two office persons, who upon enquiry revealed their names as Mr.Sunil Tirki and Mr.Pradeep.





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6. The applicant herein then applied for anticipatory bail before the Court concerned which was dismissed vide order dated 26th September, 2018. Thereafter, on 23rd November, 2018, chargesheet was filed against Mr. Pradeep, Mr. Sunil, Mr. Ramesh Kumar, Ms.Soniya and Ms.Sumeera in the said FIR. Pursuant to the same, the applicant again filed an application seeking anticipatory bail which was dismissed by the Court concerned vide order dated 17th December, 2018. Furthermore, another bail application filed on behalf of the applicant was also dismissed vide order dated 16th May, 2019.

7. Subsequent to the above, the learned Trial Court initiated proceedings against the applicant under Section 82 of the CrPC and declared him a Proclaimed Offender.

8. Thereafter, a supplementary chargesheet was filed against the applicant on 23rd November, 2018 under Sections 370/174-A of the IPC and Sections 75/79 of the JJ Act. Following the same, the applicant was arrested on 28th November, 2023 and has been in judicial custody since then.

9. In the meanwhile, the applicant applied for a regular bail which was dismissed vide order dated 13th December, 2023. Thereafter, the applicant applied for an interim bail on the ground of illness which was allowed vide order dated 28th December, 2023. Further, the applicant's subsequent application seeking regular bail was dismissed on 6th January, 2024 and on 19th April, 2024.





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10. In light of the same, the applicant has filed the instant application. Learned counsel appearing on behalf of the applicant submitted that he is not involved in any other criminal case except for FIR bearing no. 300/2017.

11. It is submitted that the applicant's conduct in jail has been satisfactory which is evident from the nominal roll received from the concerned Jail Authorities. It is further submitted that the applicant has been earlier released on interim bail and has not violated any of the conditions imposed upon him by the Court concerned.

12. It is submitted that the allegations in the FIR are only against Mr. Pradeep, Mr. Sunil, Ms.Sumeera and Ms.Soniya, and the applicant is implicated merely on the basis of statement of the co-accused.

13. It is further submitted that chargesheet and supplementary chargesheet has already been filed in the FIR in question and all the co-accused are on bail except for the applicant. Moreover, the applicant has been in judicial custody since 28th November, 2023 and therefore, in view of the foregoing submissions, it is prayed that the applicant be released on bail.

14. *Per Contra*, the learned APP appearing on behalf of the State vehemently opposed the instant application submitting to the effect that the same may be dismissed being devoid of any merits.

15. It is submitted that the investigating agency reached the premises of the applicant to arrest him, however, he could not be traced and was absconded, and thus, he avoided participating in the investigation until he was arrested.





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16. It is submitted that on 23rd March, 2023, non-bailable warrants were issued against the applicant. Despite sincere efforts, he could not be traced and the non-bailable warrants could not be executed. Thereafter, proceedings under Section 82 of the CrPC were initiated against the applicant and he was declared a Proclaimed Offender on 31st October, 2023.

17. It is submitted that after his arrest on 28th November, 2023, the applicant was interrogated wherein he disclosed that he, with the help of co-accused, opened a placement agency with the name 'BA Enterprises (Regd.)'. It was further disclosed by him during interrogation that Mr. Sunil, Ms. Soniya and Mr. Sumeera used to bring minor children from the village who were later placed at houses in return of which the accused were paid handsome amount from the owners.

18. In light of the foregoing submissions, it is prayed that the instant application may be dismissed.

19. Heard learned counsel for the parties and perused the material placed on record.

20. The details of FIR No. 471/2018 highlight the gravity of the applicant's alleged conduct. The FIR, registered on 25th August, 2018, was based on a complaint from one Ms. AK, a minor, who alleged that she was brought to Delhi under false promises of employment by co-accused and then subjected to exploitation.

21. After enduring abuse, she managed to escape and sought assistance from the police. The investigation revealed the presence of other minors in





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the office of the accused persons, which led to further charges under the IPC and JJ Act.

22. The applicant's multiple bail requests, including those for anticipatory bail, were consistently denied due to the severity of the allegations and his conduct. Following his declaration as a Proclaimed Offender, a supplementary chargesheet was filed against him, and he was subsequently arrested and placed in judicial custody on 28th November, 2023.

23. This Court has carefully examined the record and finds that the applicant's previous bail applications were denied due to his extensive criminal record involving similar offenses, which indicates his lack of clean antecedents.

24. It is apparent from the material on record that the applicant has repeatedly failed to join the investigation process, disregarding the orders of the learned Courts below. Notably, non-bailable warrants were issued against him on 23rd March, 2023, but despite earnest efforts of the investigation agency, the said warrants could not be executed as the applicant remained untraceable. Consequently, proceedings under Section 82 of the CrPC were initiated, leading to his declaration as a Proclaimed Offender on 31st October, 2023.

25. It is also observed by this Court that the Courts below, while rejecting the applicant's previous bail requests, have emphasized that the applicant herein has not been cooperative in the investigation pursuant to which he was declared a Proclaimed Offender.





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26. It is imperative to note that the applicant was fully aware of the case pending against him, as he had sought anticipatory bail as early as in the year 2019, yet he continued to avoid the judicial process.

27. Furthermore, the investigation regarding his involvement remains in its initial stages, and given the grave allegations against him, no compelling reason for granting bail is discerned.

28. The record also reveals that as per the Investigating Officer's report, the applicant is also implicated in other similar cases, including FIR No. 300/17 registered at Police Station – Vivek Vihar and FIR No. 370/17 at Police Station - Subhash Place. Therefore, there is a substantial risk that, if released on bail, the applicant might tamper with evidence or intimidate witnesses.

29. In the instant case, the applicant faces charges under Sections 370 and 174-A of the IPC and Sections 75/79 of the JJ Act, which constitute heinous offenses involving trafficking and abuse of minors.

30. As per the previous conviction/involvement report dated 15th October, 2024 filed by the learned APP along with the status report, the applicant is an accused in multiple FIRs, namely FIR No. 471/2018, FIR No. 370/2017, and FIR No. 300/2017, under similar sections of the IPC and JJ Act. Moreover, despite being granted bail in FIR No. 300/2017 by order dated 17th August, 2017, the applicant has continued to engage in serious offenses of a similar nature, reinforcing his disregard for the law and the judicial process.





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31. In view of the above facts and circumstances, this Court does not find any merit in the instant application and is not inclined to grant bail to the applicant at this stage. Thus, the instant application is liable to be dismissed.

32. Accordingly, the instant application stands dismissed along with the pending applications, if any.

33. The order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

NOVEMBER 11, 2024
NA/ryp/mk

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Signature Not Verified

Digitally Signed By: PRAVEEN
KUMAR BABBAR
Signing Date: 14.11.2024
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