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

+ **BAIL APPLN. 3300/2024**

**ABDUL MANAN @ RAHIL @ MURTAZA @ MONU @
KHALIFA**

.....Petitioner

Through: Mr. Mritunjay Kumar Singh, Mr.
Arjun Singh, Mr. Kuldeep Choudhary
and Mr. Amit Choudhary, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State with
ASI Rajender Kumar PS North
Avenue, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.09.2024

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1. By way of the present bail application, the applicant seeks interim bail in FIR No. 0063/2023 registered under Sections 365/395/397/412/120B/201/174A IPC at Police Station North Avenue, Delhi on the ground that the applicant's wife during the process of child delivery has expired and there is no one to look after the two minor children, aged five and a newly born, except the applicant's mother.
2. During the course of submissions, learned counsel for the applicant submits that the interim bail of the applicant is expiring today i.e., 12.09.2024 and the present application itself may be considered as an application for regular bail as well. The said prayer is not opposed by learned APP for the State.
3. On merits, it is submitted by the learned counsel for the applicant that the applicant was taken into custody on 20.12.2023 and as per the



prosecution case narrated in the charge-sheet, it has been alleged that the main accused *Amir Siddiqui* had provided the mobile number and e-mail address of the complainant which the present applicant had passed on to co-accused *Nazim Chaudhary* who had further passed it on to another co-accused namely *Neha Khan*, who eventually entrapped the complainant leading to commission of offence. It is stated that on account of death of the applicant's wife, applicant's application for interim bail has been considered time and again and he has been released on interim bail, which was extended from time to time.

4. Learned APP for the State while opposing the bail application contends that the applicant was part of a conspiracy, as a result of which they have first made the co-accused *Neha Khan* speak to the complainant, whereafter he was made to come near Nizamuddin Police Station and from there he (complainant) was taken to a flat where accused persons forcibly disrobed him and thereafter a video was made and even his money was digitally transferred. It is further stated that the applicant has a long list of previous involvements, including offences of similar nature including an offence under Section 302 IPC. He however, submits that after the demise of applicant's wife, there is no one to look after the minor children, one of whom is an infant except his aged mother.

5. At this stage, learned counsel for the applicant submits that though charge-sheet has been filed, however no video has ever been recovered or made part of the charge-sheet. It is also stated that the applicant is on bail in all the cases and further most of the involvements are of the year 2008.

6. The role attributed to the present applicant is of passing of the mobile number and email address of the complainant to co-accused *Nazim*



Chaudhary. Further, though it is alleged that the applicant shot the video of the incident however, there is no video clipping of the complainant being disrobed ever recovered or made part of the charge-sheet. The family status of the applicant also stands verified.

7. Considering the peculiar facts and circumstances of the case, the applicant's request for considering the present application of interim bail as regular bail and in view of the no objection from the learned APP for the State, the oral prayer is accepted and it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.



10. Copy of the order be uploaded on the website forthwith.
11. Needless to state that this Court has not expressed any opinion on the merits of the case and have made the observations only with regard to the present bail applicant and nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

SEPTEMBER 12, 2024/*rd*