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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3305/2024 & CRL. MA 27577/2024

AMAN MISHRA

.....Petitioner

Through: Mr. Jitendra Jain and Mr. Ravi
Shankar Garg, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for State
with Inspector Vikas Mudgal PS
Mukharji Nagar, Delhi.
Mr. Arpit Verma, Mr. Anuj Arya and
Ms. Sakshi Mishra, Advocates for
complainant with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.11.2024

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1. The present application has been filed by the petitioner/applicant seeking anticipatory bail in FIR No. 587/2024 registered under Sections 376/506 IPC and Sections 3(1)(r)/3(1)(s)/3(z)(c)/3(z) of the SC & ST Act, 1989 at P.S. Mukherjee Nagar, New Delhi.
2. Learned counsel for the petitioner/applicant submits that the applicant is the husband of the complainant and on account of matrimonial discord the first motion for divorce has been granted. He further submits that the allegations in the present FIR pertain to the period following the grant of first motion. He states that as per allegations in the FIR, the complainant has accused the applicant of making casteist remarks against her. It is stated that insofar as the allegations under Section 376 IPC are concerned, the same



pertain to the period prior to the marriage of the applicant and the complainant.

3. The bail application is opposed by learned APP for State duly assisted by learned counsel for the complainant. Learned APP, however, on instructions, fairly submits that there is no public witness to support the allegations of casteist remarks made by the applicant. Learned counsel for the complainant submits that the complainant apprehends threat at the hands of the applicant, whose father has been running a security agency. Lastly, it is stated that the chargesheet has already been filed before the concerned Court.

4. At this stage, learned counsel for the applicant submits that the applicant is a resident of Mukherjee Nagar and undertakes not to enter the jurisdiction of Bhalaswa Dairy, where the complainant currently resides or to make any attempt to approach her in any manner.

4. Keeping in view the aforesaid facts and circumstances and the import of decisions in Prathvi Raj Chauhan v. Union of India, **AIR ONLINE 2020 SC 225** and Shajan Skaria v. The State of Kerala & Anr. **CRL. APPEAL NO.2622/2024**, it is directed that in the event of arrest, the applicant be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.



- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential addresses/contact details, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court.
5. The application is disposed of in the above terms.
6. Needless to state that 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

NOVEMBER 13, 2024/rd