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

+ **CRL.M.C. 819/2024, CRL.M.A. 3274/2024**

MS A

..... Petitioner

Through: Mr. Nitesh Saini, Advocate.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Ms. Kiran Bairwa, APP with SI
Akash, PS: O.I.A.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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01.02.2024

CRL.M.A. 3275/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.A. 3276/2024

For the reasons stated in the application, the delay of 09 days in re-filing the appeal is condoned.

Application stands disposed of.

CRL.M.C. 819/2024, CRL.M.A. 3274/2024

1. Petition under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner against order dated 23.11.2023 passed by learned ASJ (FTC)-02, South East District, Saket Courts, New Delhi in Misc. CrI. No. 512/2023, whereby, learned ASJ declined the application preferred on behalf of the petitioner for cancellation of bail granted to accused Md. Ansari vide order dated 27.02.2023.



2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. Learned counsel for the petitioner submits that impugned order has been passed by learned ASJ without calling for a report in respect of subsequent assault on one of the witnesses namely Kushal @ Bobby, who is the brother of the victim. It is pointed that respondent No. 2 Md. Ansasri is named as one of the co-accused in subsequent FIR No. 715/2023 dated 16.11.2023, registered under Sections 324/365/ 506/195A/34 IPC at PS: Govind Puri, Delhi.
4. The observations made by learned Trial Court that subsequent FIR might give rise to a separate cause of action, which does not amount to any hampering of investigation or intimidation of any witness in the present case, appears to have been made, without calling for a report in this regard from the concerned Police Station. This court is of the opinion that observations made by learned Trial Court in this regard are premature.

In view of above, order dated 23.11.2023 passed by learned Trial Court is set aside with directions to consider the application, filed on behalf of the petitioner afresh, after calling status report in respect of FIR No. 715/2023 referred to above.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.

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

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 01, 2024/R