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

+ **BAIL APPLN. 3706/2024**

MANISH KUMAR

.....Petitioner

Through: **Mr. Dinesh Kaushik and Mr. Sumit Kumar, Advocates**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Satish Kumar, learned APP.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

28.11.2024

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1. The instant application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter as the “BNSS”) has been filed on behalf of the applicant/petitioner seeking grant of bail in FIR bearing No. 302/2024, registered at Police Station – Patel Nagar, Delhi, for offences punishable under Sections 74/76/127 of Bharatiya Nyaya Sanhita and Section 8 of the POCSO Act.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the instant case and is languishing in jail since 26th July, 2024. It is also submitted that petitioner has not committed the offences as alleged and has been falsely implicated in the case due to minor altercation that took place between the complainant and the petitioner’s family. It is submitted that petitioner/applicant is a 22 year old boy, has no criminal record and belongs to a family having deep



roots in the society.

3. It is submitted that investigation in the instant case is already completed and the chargesheet has been already filed, therefore, there can be no occasion for the petitioner to interfere with the investigation.

4. Learned counsel further undertakes that the petitioner shall abide by all the terms and conditions imposed by this Court while granting him bail.

5. In view of the foregoing submissions, it is prayed that the petitioner be released on bail.

6. *Per Contra*, Mr. Satish Kumar, learned APP for the State has vehemently opposed the instant bail application submitting to the effect that the allegations which have been levelled against the petitioner are of very serious nature and he has referred to the 164 statement of the prosecutrix and submitted that she has supported the prosecution's case in her statement.

7. He further submitted that the prosecutrix is yet to be examined and therefore, at this stage, if the petitioner is released on bail, he may influence the victim as both are residing in the same locality.

8. It is, therefore, prayed that the petitioner is not entitled to any bail. In support of his contentions, the learned APP handed over a copy of the Status Report in the Court, which is taken on record.

9. Heard learned counsel for the parties and perused the record.

10. This Court has perused the contentions made in the instant application, status report as well as the FIR. It is an admitted fact that the prosecutrix has supported the prosecution case in her statement recorded under Section 183 BNSS, however the case is at a nascent stage and the trial will take considerable time to conclude.



11. As discernible from the material on record, the petitioner has no criminal antecedents and is only 22 years of age. Furthermore, since the investigation is complete and chargesheet has already been filed, no harm would be caused if the petitioner is released on bail.

12. Keeping in view the contentions and the arguments advanced by the learned counsel for the parties, age of the petitioner, the period since when the petitioner has been in jail, i.e., more than 4 months and he is not a flight risk, this Court is inclined to allow the instant petition seeking regular bail.

13. Accordingly, it is directed that the petitioner be released on bail on his furnishing personal bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of like amount to the satisfaction of the Jail Superintendent/Court concerned subject to the conditions as follows:-

- a) the petitioner shall under no circumstances leave India without prior permission of the Court concerned;
- b) the petitioner shall appear before the Court concerned as and when required;
- c) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, and/or attempt to tamper with the evidence;
- d) the petitioner shall provide his mobile number(s) and keep it operational at all times;
- e) the petitioner shall commit no offence whatsoever during the period he is on bail;
- f) the petitioner shall not reside in 1 km proximity from the house of the complainant/prosecutrix;
- g) in case of change of residential address and/or mobile number, the



same shall be intimated to the Court concerned by way of an affidavit; and

h) The petitioner shall report to the jurisdictional Police Station on 15th day of every calendar month.

14. Accordingly, the instant bail application along with the other pending applications, if any, stands disposed of.

15. Copy of this order be sent to the Jail Superintendent for compliance.

It is made clear that any observations touching upon the merits of the case are purely for the purpose of deciding the question of grant of bail by this Court and shall not construed as an expression of final observations in the proceedings pending before the learned Trial Court.

CHANDRA DHARI SINGH, J

NOVEMBER 28, 2024

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Click here to check corrigendum, if any