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

+ BAIL APPLN. 4147/2024 CRL.M.A. 34160/2024

CRL.M.A. 34161/2024 CRL.M.A. 34162/2024

ASHIQ ALI

.....Petitioner

Through: Mr. Kamlesh Kumar Mishra &
Ms. Renu, Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitesh Vali, APP for State

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

14.11.2024

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1. This petition has been filed seeking Transit Anticipatory Bail to the petitioner who has been arrayed as an accused in FIR No.228/2024 dated 29th July 2024 at PS Shahi, District Bareilly, Uttar Pradesh, under Sections 137(2)/87/ 352/ 351(2) BNS 2023.

2. It is stated by the counsel for petitioner, that petitioner is a resident of Bareilly and is currently being forced to reside in Delhi, for the reason of safety and security of his family. There is a threat to his life and safety and he was forced to flee to Delhi, in the following circumstances.

3. As per the petitioner, his son, who is 17 years of age, was in a romantic relationship with a minor girl from their locality, daughter of a neighbour, namely, Jalees Ahmad. Jalees Ahmed wanted to marry his daughter, the said minor girl, to petitioner's son and was pressurising their family in this regard.

4. As per the petitioner, he objected, stating that the children were still



minors and matrimonial issues can be discussed later, when their children attain majority. However, Jalees Ahmad was apparently rude and threatened the petitioner and his family, that marriage should be conducted, else he would file false charges against petitioner and his family.

5. Petitioner's counsel contended that in the last week of July 2024, Jalees Ahmad and some of his associates came to his house with sticks and demanded to bring out his son for marriage. Fearing for their lives, petitioner and his family managed to escape to Delhi, and since then have been residing in Delhi. Later they came to know that police were searching for them and to arrest them.

6. Counsel for petitioner states that petitioner and his family, are ready to join the investigation, however they are apprehensive about being arrested, in the territory of Uttar Pradesh, because of false allegations made by Jalees Ahmad and are also apprehensive that they can be subjected to violence by him.

7. While the FIR was registered on 19th August 2024, a formal application was moved was made by petitioner to the Superintendent of Police, Bareilly District for grant protection for him and his family. An online complaint was also made on 29th August 2024, on the public hearing portal of the Integrated Grievance Redressal System, Uttar Pradesh, narrating the same set of facts and circumstances. Response was received on portal, noting that an FIR had been registered against the minor son of petitioner, as also against him and his family. Accordingly, the petitioner moved the Hon'ble Supreme Court in W.P. (Crl.) 415/2024. The Supreme Court passed an order on 25th October 2024 stating as under:

“1. Having heard the learned counsel for the petitioner and having gone through the materials on record, we are of the view that the petitioner should invoke the writ



jurisdiction of the High Court of Delhi under Article 226 of the Constitution and seek appropriate reliefs.

2.We clarify that we have otherwise not gone into the merits of the case.”

8. Consequently, the petitioner filed a writ petition, which is before this Court, *vide* diary no. 5107079/2024, but it has not been listed yet.

9. In the meantime, this petition has been moved, seeking Transit Anticipatory Bail, to allow the petitioner, time to approach the jurisdictional court in U.P., to seek further relief. In this regard, reliance is placed on decisions of this Court in, ***Pritam Singh v. State of Punjab*** 1980 SCC OnLine Del 336 and ***Dr. Nishi Bhaskar v. State of Uttar Pradesh & Ors.*** in Bail Application No. 16/2024 by order dated 30th July 2024. Various decisions have been cited by the petitioner, of various courts in the country, which have taken a view, that powers under Section 482 BNSS (previously 438 Cr.P.C.), can be exercised in such circumstances.

10. The matter was kept open for the APP to inquire from the IO of the FIR in Uttar Pradesh, about the circumstances of the present case. He has been informed by the IO, that the minor girl (daughter of the complainant), has given a statement under Section 161 Cr.P.C., where she admits that she had voluntarily gone to the house of petitioner and that she was romantically involved with the petitioner's son.

11. Notwithstanding, in these circumstances, the Court is of the opinion that petitioner is entitled to Transit Anticipatory Bail, for a period of 4 weeks, in order to enable him to approach court of competent jurisdiction in U.P. and seek remedies in accordance with law.

12. These directions have been passed only as an interim measure, and the observations made above, are not to influence the Trial Court of



Competent Jurisdiction, since this Court has not assessed the merits of the matter.

13. Petition is disposed of with these observations.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 14, 2024/sm/kp