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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 67/2024, CRL.M.A. 495-496/2024 & CRL.M.A. 27594-27595/2024

AVANTIKA BHAU

.....Petitioner

Through: Ms. Supriya Manan, Mr. Luv Manan
and Ms. Nishi Manan, Advocates
with Petitioner in person

versus

STATE

...Respondent

Through: Mr. Laksh Khanna, APP for the State
SI Narender Singh, P.S. C.R. Park
Mr. N.K. Sharma, Advocate (through
VC) for the complainant with
complainant in person

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+ BAIL APPLN. 68/2024 & CRL.M.A. 497-498/2024
RAMAN SINGH

.....Petitioner

Through: Ms. Supriya Manan, Mr. Luv Manan
and Ms. Nishi Manan, Advocates
with Petitioner (through VC)

versus

STATE

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
SI Narender Singh, P.S. C.R. Park
Mr. N.K. Sharma, Advocate (through
VC) for the complainant with
complainant in person

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+ BAIL APPLN. 69/2024 & CRL.M.A. 499-500/2024
PRIYANKA BHAU

.....Petitioner

Through: Ms. Supriya Manan, Mr. Luv Manan
and Ms. Nishi Manan, Advocates
with Petitioner (through VC)

versus



STATE

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
SI Narender Singh, P.S. C.R. Park
Mr. N.K. Sharma, Advocate (through
VC) for the complainant with
complainant in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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10.02.2025

CRL.M.A. 495/2024 in BAIL APPLN. 67/2024 (for exemption)

CRL.M.A. 497/2024 in BAIL APPLN. 68/2024 (for exemption)

CRL.M.A. 499/2024 in BAIL APPLN. 69/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

BAIL APPLN. 67/2024

BAIL APPLN. 68/2024

BAIL APPLN. 69/2024

3. The present petitions have been filed under Section 482 of the Code of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [erstwhile Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C)] seeking pre-arrest bail registered at Police Station (P.S.) of Chitranjan Park in FIR No. 331/2023 under Sections 448/454/380/34 of Indian Penal Code, 1860 ('IPC')

3.1. Learned counsel for the applicants states that this Court had granted interim protection to the applicants vide order dated 05.01.2024 which has been continuing till date.

3.2. She states that the applicants i.e., Ms. Avantika Bhau and Ms. Priyanka Bhau have duly joined the investigation and cooperated in the investigation. Further as per the directions passed by this Court vide order



dated 19.11.2024, the said applicants have answered all the questions put to them by the Investigating Officer (I.O.) and have also responded to the questionnaire.

3.3. She states that the background of the subject FIR is that the property i.e., D-768, First Floor, Chittranjan Park, New Delhi ['suit property'] was owned by the father of Ms. Avantika Bhau and Ms. Priyanka Bhau i.e., Mr. T.R. Bhau. She states that he unfortunately passed away in December, 2020 during the Covid-19 pandemic, therefore, Ms. Avantika Bhau and Ms. Priyanka Bhau being the Class-I legal heirs have succeeded to the said suit property.

3.4. She states that one Dr. Vandana Verma [complainant's sister], was an employee of the company namely 'Redecon Private Ltd' ('Company') which belonged to the father of the applicants i.e. Ms. Avantika Bhau and Ms. Priyanka Bhau. She states that Dr. Vandana Verma was permitted to reside in the suit property which was being used as the Company's guest house.

3.5. She states that since Dr. Vandana Verma refused to vacate the suit property and further the applicants herein learnt that Dr. Vandana Verma, in fact, forged documents with respect to the suit property and filed the same before the statutory authorities wrongfully claiming to be owner of the suit property. And, in these circumstances Applicants were compelled to file FIR No. 91/2023 dated 01.03.2023.

3.6. She states that it is the case of the applicant-Ms. Avantika Bhau and applicant-Ms. Priyanka Bhau that Dr. Vandana Verma had after filing of FIR No. 91/2023, in fact, peacefully handed over the vacant possession of the subject property to the said applicants in October, 2023. She states that



since the applicants were not residing in the suit property, they also had the electricity connection of the suit property disconnected on 29.11.2023.

3.7. She states that perusal of the subject FIR No. 331/2023 registered on 20.12.2023 would reveal that allegations qua trespassing and offence of theft have been made by Ms. Geeta Bakshi, the complainant against the applicants. It is the case of the complainant that her sister i.e. Dr. Vandana Verma, who had been residing in the suit property since past 6-7 years and on 19.12.2023 had left Delhi to visit Bangalore for official purpose. It is alleged that the applicants herein broke two locks of main door, removed the camera and name plate of her sister Dr. Vandana Verma and entered into the house illegally. Thereafter on the complainant of Ms. Geeta Bakshi [the sister of Dr. Vandana Verma] the FIR was registered.

3.8. She, however, states that with regards to the subject FIR it is the case of the applicant-Ms. Priyanka Bhau that she had got a call from P.S. Chitranjan Park to come to the suit property on 20.12.2023 following which the applicant-Ms. Priyanka Bhau requested applicant-Avantika Bhau and applicant-Raman Singh [Fiancée of applicant-Avantika Bhau] to join her. And in these circumstances, all the three applicants were present at the suit property on 20.12.2023. In relation to this, she refers to the GD entry nos. 0049A, 0070A and 0078A. She states that infact the applicants herein had the keys to the suit property and they had duly opened the suit property in the presence of the police officers.

3.9. She states that the present FIR which has been registered on 20.12.2023 on the complaint of Ms. Geeta Bakshi [the sister of Dr. Vandana Verma] is a counter blast to FIR No. 91/2023. She states that it is alleged in this plaint that there were allegedly 30 items of Dr. Vandana Verma which



are missing from the premises which includes item such as gas cylinders, dry fruits. She states that no proof of existence of the said 30 items has been furnished with the complaint.

3.10. She states that the applicant-Ms. Avantika Bhau and applicant-Ms. Priyanka Bhau are in fact paying the EMI for the subject property to the bank and are in actual physical possession of the subject property. She states that even presently there is no electric connection to the suit property. She states that no separate civil proceedings have been filed by the Petitioner against Dr. Vandana Verma with respect to the suit property as the applicant Ms. Avantika Bhau and applicant Ms. Priyanka Bhau are in actual physical possession of the suit property.

4. In reply, learned APP states that the investigation has been carried out. He states that two neighbours of Dr. Vandana Verma have confirmed that Dr. Vandana Verma had been residing in the suit property for the last 6-7 years. He states however, there is no specific statement of any neighbour with respect to presence Dr. Verma in the subject property in the period between 29.11.2023 and 28.12.2023 when the suit property admittedly did not have any electricity connection.

4.1 He states on instructions of the complainant that the suit property is indeed mortgaged to the bank and as per Dr. Vandana Verma, the actual physical possession of the suit property was handed over by Dr. Verma to the bank in July, 2024. He states that as per the version of the complainant, the official of the bank had met her and the keys of the subject property have been handed over by Dr. Vandana Verma to the official of the bank.

4.2 He states that the applicant-Ms. Avantika Bhau and applicant-Ms. Priyanka Bhau have joined the investigation during the pendency of the



proceedings as well as answered the questionnaire and provided the information sought for, however, they have denied the allegations. He states that no recovery of the stolen items has been effected. He states that it is a matter of record that Dr. Verma has not provided any corroborative evidence of the 30 items alleged to have been stolen by the applicants/accused. He states that presently no custodial interrogation of the applicants is required.

4.3 He states that the investigation has revealed that Dr. Vandana Verma had several government identification accounts issued in her name which record the address of the subject property and to that extent the investigation reveals that she was residing in the suit property.

4.4 He states that the complainant has provided the IO with photographs taken by her on 20.12.2023 which shows that all the three applicants were present at the spot on 20.12.2023.

5. During course of the arguments, upon query raised by the Court as regards the stage of proceeding, learned APP states that the chargesheet will be filed expeditiously after applicant-Mr. Raman Singh has appeared before the IO.

6. The applicant-Raman Singh is stated to be outside the country, therefore, learned counsel for the applicant-Raman Singh states that the said applicant will be returning to India and he undertakes to remain available to join the investigation physically before the IO between 01.03.2025 to 07.03.2025.

7. This Court has considered the submission of the parties.

8. There is no clarity with respect to the date on which the alleged trespass occurred in the subject property. The status report refers to the alleged trespass of 19.12.2024 whereas during oral arguments complainant



contended that the trespass occurred on 20.12.2024. Further, the complainant and prosecution are unable to explain from the record as to how Dr. Verma continued to reside in the subject property after 29.11.2024, when the electricity to the subject property had been admittedly disconnected. Moreover, the details of the alleged 30 items is also unverifiable and uncorroborated. These discrepancies are significant and affect the credibility of the allegations in the complaint.

9. In addition, this Court further takes notice that the FIR is dated 20.12.2023 and since the applicant-Avantika Bhau and applicant-Priyanka Bhau herein have already joined the investigation, therefore, this undue delay by the IO in completing the investigation in a matter which has the colour of a civil/property dispute is unnecessarily being prolonged. Accordingly, the SHO is directed to expeditiously complete the investigation and file the final report.

10. The applicants have being granted interim protection since 05.01.2024 in the present proceedings which have been continued till date.

11. In the facts noted above, the Court is of the considered opinion that the applicants are entitled to anticipatory bail in FIR No. 331/2023 under registered at Police Station (P.S.) Chitranjan Park. Consequently, in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, and further subject to the following conditions:

- i. Since the final report has not been filed, all the three (3) applicants shall cooperate and join the investigation as and when directed;



- ii. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - iii. The applicants shall provide his/her mobile number(s) to the Investigating Officer;
 - iv. In case of change of residential address and /or mobile number, the applicants shall intimate the same to the Investigating Officer / Court concerned by way of an affidavit.
12. Applicant-Raman Singh will duly appear before the IO between 01.03.2025 to 07.03.2025 and cooperate in the investigation.
13. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.
14. It is made clear that this Court has not dealt with the merits of the case and has restricted itself to the question of whether anticipatory bail can be granted to the Applicant or not. The observations made hereinabove shall nowhere affect the merits of the case during trial.
15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 10, 2025/msh/ms

Click here to check corrigendum, if any