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

+ **BAIL APPLN. 182/2025**

SALIM KHAN

.....Petitioner

Through: Mr.Mithan Lal, Advocate

Versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr.Shoaib Haider, Additional Public
Prosecutor for Respondent-State with
SI Sanjay Bansal

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.01.2025

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Crl.M.A.1181/2025

1. Allowed subject to all just exceptions.
2. The application is disposed of.

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3. The Bail Application under Section 483 of the *Bhartiya Nagrik Suraksha Sanhita, 2023* read with Section 438 of *Code of Civil Procedure, 1973* has been filed by the Petitioner seeking Transit/Anticipatory Bail in FIR No. 0003/2025, registered at Police Station Asmauli, Distt. Sambhal, UP for the offences under Sections 74/352/61(2)(a) of *Bhartiya Nagrik Suraksha Sanhita, 2023* and Section 3(2) (va) of *The Scheduled Castes and The Scheduled Tribes (Prevention Of Atrocities) Act, 1989*.



4. Learned counsel appearing on behalf of the Petitioner has submitted that from the contents of the Complaint, it is apparent that no offence under SC/ST Act is made out. The Petitioner is a 47 years old law abiding citizen, has a wife to support and has not committed any offence. There is delay of two months in registration of the FIR in question. In fact, the present FIR is a counter blast to the Complaint under Section 223 of BNSS R/W 175(3) BNSS (CT Case No. 13134/2024 Dated 20.12.2024) made by the Petitioner against the Complainant of FIR No. 0003/2025.

5. It is stated that no such incident as alleged in the FIR, has ever happened with the Complainant and she along with other five persons, has regularly been calling upon the Petitioner and threatening him. Also, that on 08.12.2024 at about 02:00 PM, the Complainant with five other persons came to his house and abused him and gave merciless beatings and threatened to implicate him in a false rape case.

6. Learned Counsel for Petitioner submits that Petitioner has an apprehension of being arrested by Police of Police Station Ajmoli, UP in a false case. The learned Additional Session Judge has erroneously dismissed his Anticipatory /Transit Bail Application. Petitioner seeks two weeks' Anticipatory/ Transit Bail to enable him to approach the concerned Court.

7. *Mr. Shoaib Haider, learned Additional Public Prosecutor* for Respondent-State, has appeared on advance Notice and opposed the Bail Application submitting that Police Station Asmauli, Distt. Sambhal, is hardly at a distance of 100 kms. from Delhi and there is no impediment for the Petitioner to approach the concerned Court. Moreover, in the light of the serious allegations made in the Complaint, Anticipatory Bail cannot be granted to the Petitioner.



8. Submissions heard.
9. There are serious allegations under *The Scheduled Castes and The Scheduled Tribes (Prevention Of Atrocities) Act*. No case is made out for Transit Bail / Anticipatory Bail.
10. The Bail Application is hereby dismissed.

NEENA BANSAL KRISHNA, J

JANUARY 16, 2025

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