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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1098/2025**

KRISHAN MURARI GUPTA Applicant
Through: Mr. Medhanshu Tripathi
& Mr. Tushar Tokas,
Advs.

versus

THE STATE OF NCT OF
DELHI & ANR. Respondents
Through: Ms. Kiran Bairwa, APP
for the State
Inspector Satbir Singh,
PS- Jaitpur

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
19.03.2025

CRL.M.A. 8297/2025 & CRL.M.A. 8298/2025 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. These applications stand disposed of.

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3. The present application is filed seeking pre-arrest bail in FIR No. 596/2022 dated 29.09.2022 filed under Sections 354/376/506 of the Indian Penal Code, 1860 ('IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act').
4. The learned counsel for the applicant submits that the FIR was registered under Sections 354/376/506 of the IPC and Section 8 of POCSO Act way back on 29.09.2022. He submits that the chargesheet, in the present case, was filed long back on 21.11.2022 and supplementary chargesheet has also been filed in



the present case on 25.12.2024.

5. He submits that the Police has filed the chargesheet without any need of the applicant being arrested. He submits that, concededly, the investigation has already been completed and the learned Trial Court has now issued summons and has fixed the date for arguments on charge on 21.03.2025.

6. He submits that the applicant was not aware of the filing of the supplementary chargesheet and was feeling threatened which led to filing of an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') which was dismissed by the order dated 13.01.2025.

7. He submits that pursuant to the chargesheet being filed without need of custody of the applicant, the applicant is entitled for being admitted on bail under Section 91 of the BNSS, in terms of the judgement passed by the Hon'ble Apex Court in the case of *Tarsem Lal v. Enforcement Directorate : (2024) 7 SCC 61* wherein it was observed that once the investigation has been completed and the chargesheet has been filed without any need of the accused being arrested, the right course for the Courts will be to accept the bail bonds.

8. He submits that the Court had fixed the returnable date on 21.03.2025.

9. He seeks liberty to withdraw the present application and appear before the learned Trial Court on the next date and seek his remedies in accordance with law.

10. In view of the above, the present application is dismissed as withdrawn.

11. The learned Trial Court is expected to pass appropriate orders after hearing the applicant.

12. Needless to say, the applicant is at liberty to approach this



Court in case any grievance remains in future.

AMIT MAHAJAN, J

MARCH 19, 2025
“SS”