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

+ **BAIL APPLN. 1621/2025**

AJAY KUMAR

.....Petitioner

Through: Mr. Pardeep Sharma, Advocate
(appeared through VC)

versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with Ms. Madhvi Chopra, Advocate,
SI Harish, P.S. Paschim Vihar, East,
Delhi alongwith complainant and
husband of complainant

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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29.04.2025

CRL.M.A. 12867/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present application, the applicant seeks grant of anticipatory bail in FIR No. 0693/2024, registered at Police Station Paschim Vihar East, Delhi under Sections 115(2)/126(2)/74/351(2)/79/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the present case are that the present FIR was registered on the complaint of the complainant who had alleged that her



husband had started construction on Plot No. 29, Block B1, Paschim Vihar, and the construction had been almost completed, except for some pending work due to the GRAP (Grade Response Action Plan) One-Four guidelines. It has been alleged that one person named Rahul had introduced a contractor namely Ajay, i.e. the present applicant/ accused, on 06.11.2024, and after a telephonic conversation, he had visited the complainant for discussion regarding the pending work. After receiving his assurance, the complainant had verbally agreed to give him the work. As per the agreement, the contractor had started the work on 23.11.2024 on the condition that the work would continue only if found satisfactory. However, during this period, the contractor had failed to deliver satisfactory work. Upon refusal to continue his services, the present applicant/ accused Ajay had started abusing the complainant in vulgar language, and the complainant had lodged a complaint on 26.11.2024, *vide* LC.2120/SHO/PVE dated 27.11.2024. On 09.12.2024, at about 9:00 a.m., the present applicant/ accused Ajay had come to the construction site along with his brother Prahlad, and 10–12 other associates armed with deadly weapons such as *gandasas*, *damdas*, *phavras*, and other construction tools capable of causing grievous injuries or death. They had trespassed onto the plot and had started assaulting the complainant's husband, due to which he had suffered injuries, including dislocation of teeth and jaw bones. The accused had also attempted to assault the complainant physically. When she had tried to escape, they had forcibly torn her clothes, scratched her neck, pushed her on her chest, and she had fallen to the ground. They had touched her private parts and had slapped her repeatedly both inside and outside the plot. They had continuously threatened her and her husband with dire consequences,



including death. The complainant had further alleged that these acts had created an atmosphere of fear and threat to their safety and dignity. The entire incident had been captured on CCTV footage and mobile phone recordings, which had been handed over to the Investigating Officer.

6. The learned counsel for the applicant/accused argues that the present applicant has been falsely implicated in the present case. It is submitted that the applicant, a permanent resident of F-479, Madipur, Delhi, is a professional contractor who had been engaged through a common friend for construction work at the complainant's property, and after finalizing the terms, commenced work, but had to stop due to non-payment of dues. Upon demanding the outstanding amount, the complainant's husband misbehaved with the applicant and threatened to falsely implicate him, following which the applicant had immediately lodged a police complaint. On 09.12.2024, the applicant had only visited the site to collect his remaining materials, when he was again assaulted and harassed. Several complaints were made by the applicant to the police and higher authorities, but no action was taken. It is further argued that the allegations in the FIR are vague, concocted, and made solely to harass the applicant and avoid payment of his rightful dues. The applicant has duly joined the investigation on multiple occasions, has fully cooperated with the authorities, and nothing remains to be recovered from him. Therefore, custodial interrogation is not required, and the applicant seeks protection by way of anticipatory bail.

7. The learned APP for the State, on the other hand, argues that the allegations against the present applicant/accused are serious and grave in nature, involving physical assault, trespass, use of deadly weapons, and outraging the modesty of a woman. It is submitted that despite the issuance



of notice under Section 35(3) BNSS, the applicant has not cooperated with the investigation. The weapon of offence is yet to be recovered, and there is a reasonable apprehension that the applicant may abscond or influence the complainant physically or mentally to deter her from testifying. Therefore, custodial interrogation of the applicant is essential for proper investigation and recovery of incriminating material.

8. This Court has heard arguments addressed by both the sides, and has perused the material available on record.

9. The allegations against the present applicant, in a nutshell, are that he, along with other co-accused persons, had unlawfully entered the complainant's property on 09.12.2024 armed with weapons, assaulted the complainant's husband causing serious injuries, and had further physically assaulted her. It has also been alleged that they issued threats to kill both the complainant and her husband.

10. This Court also notes that the medical examination of the complainant was conducted at Sanjay Gandhi Hospital, Mangolpuri, Delhi, vide MLC No. 25655, wherein the doctor recorded a history of alleged physical assault and inappropriate touching over the breast as narrated by the patient. The MLC further mentions abrasions over the right wrist and right side of the upper chest, with the nature of injuries described as 'simple'.

11. This Court, after perusing the case file, notes that the allegations against the applicant/accused are specific and supported by medical evidence. It is alleged that he, along with others, forcibly entered the complainant's property, assaulted her husband, physically assaulted the complainant by pushing and touching her inappropriately, and issued threats to kill both.



12. During the course of investigation, notice under Section 35 of BNSS was issued to the present applicant/accused, but the name of the co-accused persons who had helped the present applicant/accused in the commission of the offence had not been revealed. The weapon used for the commission of the offence is yet to be recovered. As per Status Report, the accused has not been cooperating with the investigation, and the names of the co-accused persons who had conspired in the commission of the offence are yet to be unearthed. This Court also notes that the CCTV footage, mobile phone recordings, and the weapon used in the commission of the offence are yet to be recovered, which may require the custodial interrogation of the applicant/accused.

13. Considering the overall facts and circumstances, and that the investigation is at the nascent stage, and for the reasons noted above, this Court is not inclined to grant anticipatory bail to the present applicant/accused at this stage.

14. Accordingly, the present application stands dismissed.

15. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

16. The order be uploaded on the website forthwith.

APRIL 29, 2025/zp

DR. SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)