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

+ **BAIL APPLN. 2057/2025**

VIKAS KUMAR

.....Petitioner

Through: Ms. Shweta Singhal, Mr. Suhil Bose
and Mr. Abhinav Shukla, Advs.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for
the State with W/SI Manisha,
P.S.Mandawali.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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28.05.2025

CRL.M.A. 16849/2025 EXEMPTION

Allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2057/2025

1. This is an application under Section 438 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail pertaining to Sections 63/69 of the BNS, 2023 filed on behalf of the applicant-Vikas Kumar.
2. Learned counsel appearing for the petitioner-applicant submits that prosecutrix is extending threats for filing false rape case in police station Mandawali, and therefore, there is an apprehension of his arrest. Relying on



the decision of the Supreme Court in the case of **Sushila Aggarwal and Ors. Vs. State (NCT Delhi) and Anr. (2020) 5 SCC 1**, he submits that it is not essential that an application for anticipatory bail should be moved only after the FIR is filed and it can be moved earlier, so long as the facts are clear and there is reasonable basis for apprehending the arrest.

3. The application has been vehemently opposed by learned APP submitting that so far no complaint has been received against the applicant, the applicant is not required in connection with any enquiry/FIR. Learned APP further submits that as of now, it is not even known as to complaint if any would be received and under what sections, and therefore, the anticipatory bail application is not maintainable. In support of his submissions, he places reliance on the decision of the Supreme Court in the case of **Union of India Vs. Padam Narain Aggarwal 2009 AIR (SC) 254**.

4. Till date, neither any complaint has been received nor any FIR is registered and the applicant is not required in connection with any enquiry/investigation in connection with any offence. There cannot be a blanket order of grant of anticipatory bail. That being so, there is no genuine and imminent threat of arrest of the applicant. The judgment of Sushila Aggarwal (supra) cited by the learned counsel for the petitioner is not applicable in the present facts and circumstances of the case. The application is therefore dismissed.

RAVINDER DUDEJA, J

MAY 28, 2025/ib/ak