



\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2349/2025 & CRL.M.A. 18702/2025**
ABHISHEKPetitioner

Through: Mr. Rajeev Sharma, Advocate.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Mukesh Kumar, APP.
SI Sachin and SI Shivam, P.S.
Khajuri Khas.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **04.07.2025**

1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly, Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from case FIR No. 3/2024 dated 1st January, 2024, registered under Section 363 of the Indian Penal Code, 1860³ at P.S. Khajuri Khas, Delhi.
2. The previous bail application filed by the applicant was rejected by the Sessions Court by order dated 5th October, 2024. At that stage, among other grounds, the Court was not inclined to exercise its discretion to grant bail as the prosecutrix was yet to be examined.
3. Counsel for the Applicant states that after recording of the

¹ "BNSS"

² "CrPC"

³ "IPC"



prosecutrix's statement, the Applicant once again applied for bail before the Sessions Court; however, the bail application was dismissed as withdrawn.

4. In the above circumstances, in the opinion of the Court, the Applicant cannot be permitted to invoke the jurisdiction of this Court straight away without exhausting his remedies before the Sessions Court. In such circumstances, Counsel for the Applicant, after making some submissions, states that he would like to withdraw the present bail application and apply before the Sessions Court for a decision on merits.

5. In the above circumstances, the application is dismissed as withdrawn, along with the pending application.

6. The Court has not commented on the merits of the case.

7. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

JULY 4, 2025

as