



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5065/2025 & CRL.M.A. 21940/2025 STAY**

SHANTANU

.....Petitioner

Through: Mr. Kartik Gupta & Mr. Tushar
Gupta, Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with Insp. Kailash Chand, PS Tilak
Nagar
Mr. Javed Ali, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **14.08.2025**

1. This is a petition under Section 528 of BNSS, 2023 seeking inter-alia quashing and setting aside of the order dated 28.06.2025 passed by the Ld. Sessions Court in bail application no. 1852/2025 arising out of FIR no. 190/2025, registered at PS Tilak Nagar, under Sections 140/103(1)/238A/3(5)/61(2) BNS and Sections 25/27/54 & 59 of the Arms Act.
2. Petitioner is stated to be the brother of the deceased who went missing on 26.03.2025. A GD entry was made on 27.03.2025 followed by registration of FIR no. 190/2025 on 30.03.2025. Petitioner submitted a complaint dated 01.04.2025 suspecting respondent no. 2 to be behind the kidnapping of his brother. The body of the victim was recovered from Shamli.
3. It is submitted that the Ld. Sessions Court by order dated 28.06.2025 granted interim protection from arrest to respondent no. 2 till the next date of hearing of the said matter i.e. 28.08.2025 despite the fact that



proclamation proceedings under Section 84 BNSS were already initiated against him on 13.05.2025.

4. The learned APP supports the petition submitting that since proceedings under Section 84 BNSS had already been initiated against the respondent No. 2, he is not entitled for the grant of interim protection inasmuch as anticipatory bail application itself is not maintainable. In support of such arguments he places reliance on the judgment of the Hon'ble Apex Court ***SFIO v. Aditya Sarda 2025 INSC 477 and Shrikant Upadhya v. State of Bihar 2024 INSC 202***. He further submits that even though respondent no. 2 has joined the investigation but is not cooperating and made attempt to destroy the material evidence because of the interim protection granted by the Sessions Court and his custodial investigation is necessary.

5. The Ld. Counsel for the petitioner further submits that respondent no. 2 obtained the interim protection without disclosing that Sessions Court dismissed the revision petition filed by him against the initiation of proclamation proceedings.

6. Since anticipatory bail is still pending before the Sessions Court and has not been decided, the petition is disposed of with direction to the Sessions Court to decide the application by the next date i.e 28.08.2025 as per law. Parties are directed to cooperate with the Court in this regard.

RAVINDER DUDEJA, J

AUGUST 14, 2025/gs/sk