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

+ **BAIL APPLN. 3544/2024**

SHUBHAM JAIN

.....Petitioner

Through: Mr. Samrat Nigam, Sr. Advocate with
Mr. Ashutosh Gupta, Mr. Sudharshan
Rajan, Mr. Nishant Jain, Mr. Gaurav
Rana, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Jyoti Antil, PS Najafgarh
Mr. Naveen Gaur, Mr. Neeraj
Gahlaut, Advocates for Complainant.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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03.03.2025

1. This petition has been filed seeking anticipatory bail in FIR no. 0256/2024 registered at Police Station (P.S) Najafgarh, Delhi under Section 376 of Indian Penal Code, 1860 (IPC).
2. The FIR was registered on the basis a complaint which was filed by the complainant alleging that on the false pretext of marriage the Petitioner not only sexually exploited her but also forced her to part with the gold ornaments of her mother and to provide him a cheque as a loan/transaction.
3. Learned APP states that the charge-sheet in this matter stands filed on 15.10.2024. On instructions from the I.O., he states that Petitioner is not required for any further custodial interrogation.



4. Pursuant to the previous orders passed, learned APP states, that 49.039 grams of gold has been recovered from 'Muthoot Finance' and another 4.5 grams from 'Capri Gold' have been recovered, which has been handed over to the complainant. He refers to status report dated 27.02.2025. Learned APP is directed to have the said status report placed on record.

5. Learned counsel for the complainant confirms receipt of the gold as submitted by the learned APP, he states however, the monies advanced to the accused has still not been recovered. He states that the monies were paid in cash over a period of time.

6. Learned senior counsel for the Petitioner states that the chargesheet has been filed without any occasion for the investigating agency or the police to require his custody and since the IO as well confirms that custodial interrogation of the Petitioner is not required, therefore, the present application be allowed.

7. He further places reliance on the observation made by the Coordinate Bench of this Court at paragraph 18 of the judgment titled as **Kashi Nath Shukla v. Govt of NCT of Delhi and Another**¹ which reads as under:

18. In so far as the submission of the learned counsel for the complainant that once charge sheet has been filed, the anticipatory bail of the petitioner should not be confirmed without considering the charge sheet, is also devoid of merit. In support of the said contention no provision of law has been shown, nor that is the mandate of Section 438 CrPC. **In view of the settled law that filing of charge-sheet does not affect granting of or continuance anticipatory bail**, there does not appear to be any justification for the Court to examine the entire charge -sheet and the documents annexed therewith for confirming the interim anticipatory bail granted earlier especially when the petitioner had cooperated with the investigation throughout and did not misuse the liberty granted. **Furthermore, when the**

¹ 2024 SCC OnLine Del 1224



charge-sheet has been filed, the normal implication would be that there was no occasion for the investigating agency or the police to require his custody.

(‘Emphasis Supplied’)

8. The issue of outstanding recovery of monies from the accused to the complainant cannot be a ground for denying bail and the complainant is at liberty to initiate appropriate proceedings for the recovery of the said amounts.

9. In light of the aforementioned judgment and submissions of the parties, this Court is of the view that the Petitioner is entitled to anticipatory bail in in FIR No. 0256/2024 registered at Police Station (P.S) Najafgarh, Delhi. Consequently, it is directed that in the event of arrest, the Applicant will be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned and further subject to the following conditions:

- i. The Applicant shall cooperate and join the investigation as and when directed;
- ii. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- iii. The Applicant shall provide his mobile number(s) to the Investigating Officer;
- iv. The Applicant shall duly appear before the Trial Court on each date of hearing;
- v. In case of change of residential address and/or mobile number, the Applicant shall intimate the same to the Investigating Officer / Court concerned by way of an affidavit.



10. Accordingly, the present application is disposed of. Pending applications (if any) are disposed of as infructuous.

11. It is made clear that this Court has not dealt with the merits of the case and has restricted itself to the question of whether anticipatory bail can be granted to the Applicant or not. The observations made hereinabove shall nowhere affect the merits of the case during trial.

12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MARCH 03, 2025/mt/ms

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any