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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4003/2024**
DEEPAK SINGHPetitioner

Through: Mr. Amit Gupta, Mr. Vikas Tomar,
Mr. Kishore and Mr. Laxman,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Amit Ahlawat, APP.
SI Khushbu Nain, P.S. Vijay Vihar.
Mr. Ajit Kumar, Advocate for victim.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **25.04.2025**

1. The present application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in proceedings arising from FIR No. 435/2024 registered under Sections 75/78/115/351/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 at P.S. Vijay Vihar.

2. On 4th November, 2024, this Court briefly took note of the facts of the case and passed the following order:

“4. BAIL APPLN. 4003/2024

5. *The present bail application has been filed under Section 482 BNSS (438 Cr.P.C.) seeking grant of anticipatory bail on behalf of*

¹ “BNSS”

² “Cr.P.C.”



applicant with respect to FIR No. 435/2024 under Section 75/78/115/351/3(5) BNS and Section 8 POCSO Act registered at PS Vijay Vihar, Delhi.

6. Briefly stating the facts are that initially FIR No. 434/2024 was lodged on 09.10.2024 alleging an incident having been taken place between 05.10.2024 to 07.10.2024. The complainant in this case had alleged that a boy namely Aniket along with certain friends used to stalk her and also inappropriately touched her. It was alleged that the accused did not resist from his activities despite having been protested by the complainant. It was further alleged that the activities of Aniket increased day by day and on the day of incident i.e., 05.10.2024, Aniket came to her home and sat on the sofa besides her. On being protested, the said boy threatened the complainant. The complainant being fearful did not tell this fact to her parents. Allegedly, on 07.10.2024 at around 11:00 AM when the complainant was alone in her home accused came and inappropriately touched her and also touched her breast and private parts. It was further alleged that mother of Aniket also started abusing. Subsequently, FIR No. 435/2024 was also lodged on 09.10.2024 under Section 75/78/115/351/3(5) BNS and Section 8 POCSO Act registered at PS Vijay Vihar, Delhi alleging a incident of 07.10.2024, in this the complainant alleged that the petitioner came to their home and started knocking the door. On opening the door by her mother, the petitioner allegedly started abusing her. It was alleged that the petitioner was drunk at that time.
7. It was further alleged that the petitioner made a fist blow on the mother of the complainant and also assaulted on the chest of the complainant by pressing her breast. It was further alleged that the petitioner dragged the mother of the complainant by hair. It was alleged that the petitioner along with her wife Priyanka and her daughter Gauri were beating the mother and brother of the complainant. It was also alleged that they also gave beatings to her father and grand-father.
8. It is an admitted fact that both the parties reside in the same locality. FIR No. 434/2024 was lodged by the daughter of the present petitioner and the present FIR No. 435/2024 was lodged by sister of Aniket against whom the allegations were made in FIR No. 434/2024.
9. Issue notice.
10. Learned APP for the State has accepted the notice and submits that as of now no arrest have been effected in case FIR No. 434/2024 and FIR No. 435/2024 and the investigation is continuing.
11. It is a matter of record that both the FIRs were lodged on 09.10.2024 within short interval. The alleged incident is of



05.10.2024 and 07.10.2024.

12. *Let detailed status report be filed.*
13. *In the meantime, no coercive steps be taken subject to the petitioner joining investigation as and when directed by the IO.*
14. *Let notice be issued to the prosecutrix through all permissible modes, returnable on 11.12.2024.”*

3. Mr. Amit Ahlawat, APP for Respondent, on the basis of the statement made by the Investigating Officer, confirms that the Applicant has joined investigation and has duly extended co-operation, and his presence for investigating purposes is no longer necessary. He also apprises the Court that investigation is complete and the chargesheet shall be filed in the first week of May, 2025. He, however, expresses his apprehension that since the Applicant stays within the same locality, he might try to contact the Prosecutrix and influence her.

4. The Court has considered the afore-noted and the nature of allegations made in the complaint. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.³ Since the Applicant has fully cooperated in the investigation, the Court sees no impediment in declining the Applicant's request for anticipatory bail.

5. In view of the foregoing, the Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

³ See also: **Sanjay Chandra v. CBI**, (2012) 1 SCC 40; **Satender Kumar Antil v. Central Bureau of Investigation**, (2022) 10 SCC 51.



- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall not contact the victim or any of her family members;
- e. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
6. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
7. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
8. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

APRIL 25, 2025

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