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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4392/2024**
YOGESH VATSApplicant

Through: Mr. Shashank Shekhar Jha, Ms. Priyanka Thakur, Mr. Archit Kaushik and Mr. Ved Vyas Tripathi, Advocates

versus

STATE OF NCT OF DELHI & ANR.Respondents
Through: Ms. Rupali Bandhopadhyaya, ASC for State with Mr. Abhijeet Kumar and Mr. Anurag Arora, Advocates along with SI Ashish Kumar, PS: Dwarka North

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
14.01.2025

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1. This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the Applicant, seeking grant of anticipatory bail in FIR No. 159/2022 dated 03.03.2022, registered with Police Station Dwarka North for offences under Section 306 of the Indian Penal Code, 1860 ('IPC').
2. The case of the Respondent is that a complaint was lodged by Sh. Mange Lal ('complainant') against the Applicant herein and other accused persons alleging that they had harassed his unmarried daughter and due to such harassment, his daughter committed suicide on 20.02.2022. Subsequently, FIR No. 159/2022 was registered at Police Station Dwarka North on basis of the said complaint.
3. It is stated in the petition that the Applicant is a student, aged about 24



years and is a permanent resident of Dwarka, New Delhi, wherein he resides with his mother for the last 20 years. It is the case of the Applicant that the Applicant has been falsely implicated in the aforesaid FIR solely for purpose of pressurizing his mother i.e., Mrs. Suman Lata into withdrawing her Civil Suit No. 989/2019 filed before Dwarka Courts, Delhi against the aforesaid complainant, seeking possession of rented property from the complainant. It is stated that the said civil suit has since been decreed in favour of the Applicant's mother i.e., Mrs. Suman Lata.

4. The Predecessor Bench vide order dated 29.11.2024 has granted interim protection to the Applicant on the condition that the Applicant shall join and cooperate in the investigation.

5. Learned ASC appearing for the State submits on instruction from the Investigating Officer ('I.O.') that the Applicant has since joined the investigation and furnished the information sought from him. She states that the investigation is complete and the charge-sheet is likely to be filed, any time soon.

5.1. She states that the co-accused, Ms. Suman Lata has also been granted anticipatory bail by the Trial Court vide order dated 04.04.2024.

5.2. She, however, submits that as noted by the Ld. Additional Sessions Judge ('ASJ') in the order dated 21.11.2024 while dismissing the Applicant's anticipatory bail application, the Ld. ASJ noted that the Applicant herein had been granted anticipatory bail by the High Court in a separate FIR 258/2019 (by the same complainant) and he had breached the conditions by moving abroad without seeking prior permission of the High Court.

6. In response, learned counsel for the Applicant states that the



Applicant had moved abroad for studies and the failure to seek permission was inadvertent and bona fide.

6.1. He states that since then the Applicant has returned to India and approached the High Court in CRL. M.C. 9313/2024 in FIR 258/2019 to seek specific permission before leaving India again.

6.2. He states that the High Court vide order dated 23.12.2024 passed in CRL. M.C. 9313/2024 has granted permission to the Applicant to travel to Canada for completing his studies, by imposing stringent conditions. He states that therefore, the breach committed by the Applicant of the earlier bail order dated 17.02.2020 granted in FIR 258/2019 stands condoned.

6.3. He states that the Applicant undertakes to abide by all conditions imposed by this Court and shall be cautious and diligent in future.

6.4. He states that as is pleaded in the petition, the dispute in essence is between the complainant and the Applicant, as well as his mother qua the tenancy of the immovable property owned by the Applicant's mother.

7. This Court has considered the submissions of the parties and perused the record.

8. The only reasons, which weighed with the Ld. ASJ for declining the anticipatory bail was the breach of the conditions of the bail order dated 17.02.2020 passed by the High Court qua FIR 258/2019 in BAIL APPLN. 2705/2019.

9. This Court finds merit in the submissions of the counsel for the Applicant that the subsequent order dated 23.12.2024 passed in CRL. M.C. 9313/2024 by the High Court granting him permission to travel Canada in FIR No. 258/2019 has the effect of condoning the breach.

10. Moreover, considering the fact that the investigation is complete and



the Applicant has cooperated in the investigation, the Applicant is admittedly not required for any further investigation and has made out a case for grant of anticipatory bail.

11. In light of the above, the Court is of the considered opinion that the Applicant is entitled to anticipatory bail. Consequently, in the event of arrest, the Applicant 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/I.O./S.H.O. concerned and subject to the following conditions: -

- i. The Applicant shall join the investigation as and when asked to do so by the I.O.
- ii. The Applicant will not directly or indirectly make any inducement, threat or promises to the complainant or any witnesses during the trial or tamper the evidence.
- iii. The Applicant shall provide his mobile number and the address of Canada, where he resides by way of an affidavit to the I.O.;
- iv. The Applicant shall appear through video conferencing during his stay in Canada as and when directed by the I.O.

12. In view of the above, the present bail application stands disposed of.

13. 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.

MANMEET PRITAM SINGH ARORA, J

JANUARY 14, 2025/rhc/MG