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

+ **BAIL APPLN. 4795/2024**

BHAVYA JAIN

.....Petitioner

Through: Mr. Kirti Uppal, Senior Advocate with
Mr. Aditya Raj, Mr. Garvit Sharma
and Mr. Pratham Diwakar, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
SI Ritika Choudhary, PS New Ashok
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

11.03.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks regular bail in FIR No. 591/2024, under Sections 109(2)/221/132/121(1)/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') registered at P.S. New Ashok Nagar.
3. The case of the prosecution is that on 02.11.2024 at about 6:30 P.M. a PCR call was received at P.S. New Ashok Nagar that two ladies were carrying a knife and quarrelling at Anekant Apartment, Vasundhara Enclave, New Ashok Nagar, Delhi. It is alleged that on the receipt of the said call the police staff rushed to the spot where the two ladies, *i.e.*, the present applicant and her sister- Charvi Jain were found present at their residence and were verbally abusing the police staff as well as the local residents of the society. It was alleged that the police staff tried to reason with them and also tried to settle



the situation. However, they both were obstinate and did not listen to anyone's advice. It is further alleged that after some time both the applicant and her sister came out of their flat and sat in their Swift Dzire car No. DL7CU5105 and tried to run over the police team and other people standing in the crowd with the intention to kill them. In the aforesaid incident, it is alleged that Head Constable Sunil got his knee fractured and the present applicant along with the co-accused person fled the spot. The present applicant was arrested on 03.11.2024.

4. It is also pointed out that the another FIR No. 386/2024, under Sections 115(2)/118(1)/127(2)/351(3)/3(5) of the BNS dated 06.09.2024 was previously registered against the present applicant and her sister wherein they have inflicted injury upon the society guard. After that, when the Investigating Officer of case FIR No. 386/2024 had gone to the residence of the sisters to serve notice upon them, they had verbally abused the said police official and had thrown drain water upon him. Subsequently, FIR No. 592/2024 under Sections 115(2)/126(2)/3(5) of the BNS was registered against them upon the complaint of Mr. Ashok Kumar Sharma. Thereafter, another FIR No. 593/2024 under Sections 115(2)/126(2)/3(5) of the BNS was registered against the applicant and her sister upon the complaint of Ms. Reena Sharma.

5. Learned Senior Counsel appearing on behalf of the applicant submits that the prosecution has not placed on record the CCTV footage with respect to the incident which started at about 6:30 PM when a huge crowd had assembled outside the house of the applicant and were hurling abuses and throwing stones at the windows of her house. It is submitted that the present applicant along with her sister tried to get away from the said incident which has now been given the picture of an intention to assault by driving the car



into the crowd. It is pointed out that a Coordinate Bench of this Court *vide* order dated 23.12.2024 in **BAIL APPLN. 4729/2024** has observed as under:

“7. Notwithstanding these contentions, it is noted that this FIR No.594/2024 has been filed at the behest of one Mr. Joginder on the basis that his scooty had been damaged while the petitioner and her sister were driving the car. He appeared in Court on the last occasion and recorded his no objection to the grant of bail to petitioners. Mr. Joginder is present on VC today as well and confirms his no objection to granting bail to petitioners. An MOU had also been executed between Mr. Joginder and parokar/ father of petitioners, which is on record.

8. In light of the above, and that the trial in the matter is likely to take some time, and it would not be prudent to keep the petitioners behind bars for an indefinite period, this Court finds it to be a fit case for grant of bail to the petitioners in this FIR.”

6. It is pointed out that the other FIRs mentioned in the status report dated 05.01.2025 relates to different incidents in the society on account of *inter se* dispute between the applicant and the members of the society.

7. *Per contra*, learned APP for the State, on instructions from the Investigating Officer, submits that the applicant along with her sister had deliberately ran their car into the crowd which is captured in the CCTV footage at the relevant point of time. It is stated that the Investigating Officer had asked for CCTV footage from 6:30 PM onwards, however, the DVR of the society had already been seized in FIR No. 592/2024 and the same was sent for FSL analysis and therefore the CCTV footage which was available was given to the Investigating Officer by the Secretary of the society. It is further submitted that the alleged offence is serious in nature and therefore the applicant may not be released on bail.

8. Heard learned counsel for the parties and perused the records.

9. It is the case of the prosecution that it was not the present applicant



driving the offending vehicle at that particular point of time. Perusal of the record would reflect that there were some prior disputes between the present applicant and some members of the residential society on account of which the police staff had reached the spot. The applicant was arrested on 03.11.2024 and has been in custody since then. Investigation in the present FIR is complete and the chargesheet has been filed.

10. Keeping in view the aforesaid facts and circumstances and the fact that the applicant was not driving the offending vehicle at the particular point of time the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give her mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the



merits of the case and any observations made are only for the purpose of the present bail application.

14. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

15. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 11, 2025/sn/sc

Click here to check corrigendum, if any