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

+ **BAIL APPLN. 4816/2024 & CRL.M.A. 39235/2024**

SUNIL

.....Petitioner

Through: Counsel (appearance not given).

versus

THE STATE (GOVT. NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
Ms. Amra and Mr. Manoj Kumar,
Advocates for the
complainant/victim.
SI Ankita, P.S.: Safdarjung Enclave.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.01.2025

CRL.M.A. 39234/2024

Exemption granted, subject to just exceptions.

The application stands disposed-of.

BAIL APPLN. 4816/2024

By way of the present petition filed under section 482 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks anticipatory bail in case FIR No. 0227/2024 dated 30.09.2024 registered under section 376 of the Indian Penal Code, 1860 ('IPC') at P.S.: Safdarjung Enclave, Delhi ('subject FIR').

2. Learned counsel appearing for the petitioner submits, that the petitioner is a constable with the Indo-Tibetan Border Police,



presently posted in Arunachal Pradesh and that the subject FIR has been registered only as a means to extort and harass the petitioner.

3. Learned counsel submits, that there is inordinate and unexplained delay in registration of the subject FIR. In this behalf, counsel points-out that the incident alleged in the FIR occurred on 20.06.2024 and the FIR was registered on 30.09.2024, with a delay of about 100 days.
4. Learned counsel submits, that the subject FIR narrates that on 20.06.2024, the petitioner took the prosecutrix to the Golden Leaf Hotel, Safdarjung Enclave, Delhi where they are alleged to have engaged in physical relations. Counsel argues however, that there is no record of the petitioner or the prosecutrix having entered or exited that hotel, and no CCTV footage has come on record to support the allegation made by the prosecution.
5. Upon being queried, learned counsel informs the court that the present anticipatory bail plea was filed on 13.12.2024; however subsequently, it transpires, that upon completion of investigation the Investigating Officer ('I.O.') has filed a chargesheet dated 27.11.2024 without arresting the petitioner.
6. Issue notice.
7. Ms. Manjeet Arya, learned APP appears on behalf of the State on advance copy; accepts notice; and submits, on instructions of the I.O., that the prosecutrix apprehends that the petitioner may yet extend threats to her, intimidate her and may prevent her from deposing freely before the learned trial court.
8. Ms. Amra, learned counsel is also present on behalf of the prosecutrix alongwith the prosecutrix. Learned counsel echoes the same



apprehension as raised by learned APP, submitting that a threat was in fact extended the prosecutrix by the petitioner as well as his family members on 27.09.2024, which they had orally communicated to the I.O.

9. In the circumstances obtaining in the matter, and in particular the fact that chargesheet in the matter has already been filed *without arresting* the petitioner, this court deems it appropriate to allow the present petition, thereby directing that in the event of his arrest, the petitioner – **Sunil s/o Tasvir Dahiya** - shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions :

- 9.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from a family member to the satisfaction of the Investigating Officer/Arresting Officer;
- 9.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 9.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of this court; and
- 9.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise



indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

10. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
11. The petition stands disposed-of.
12. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

JANUARY 14, 2025

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