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

+ BAIL APPLN. 162/2025&CRL.M.A. 1052/2025

KAJAL @ LAXMI

.....Petitioner

Through: Mr. Tarun Arora, Advocate.
versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Chanderpal, P.S.
Bhalswa Dairy.

13

+ BAIL APPLN. 514/2025

HEMA

.....Petitioner

Through: Mr. Shambhu Kumar and Mr. Rajesh
Kumar, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Chanderpal, P.S. Bhalswa
Dairy.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

12.02.2025

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1. This hearing has been done through hybrid mode.
2. The present application under Section 482 read with Section 528 of the BNSS, 2023 seeks anticipatory bail in case FIR No. 820/2024, under Sections 221/132/115(2)/309(4)/309(6)/351(3)/121(1)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at P.S. Bhalswa Dairy.
3. Since the aforesaid applications seek anticipatory bail in the same FIR,



the said applications are being disposed of *vide* this common order.

4. The case of the prosecution common to both these applications in respect of the present FIR is that a Ramleela program of Shri Avadh Ramlila Committee was being held at Ramleela Ground Mukundpur, Part-1, Delhi from 02.10.2024 to 10.10.2024. Head Constable Teenu along with Head Constable Lekhraj and Head Constable Naresh were deputed to maintain law and order at the said program. It is the case of the prosecution that, on 06.10.2024 while the aforesaid officials were present at the duty at about 10:30 p.m., 3 ladies reached the Ramleela Ground and surrounded Head Constable Teenu. It is alleged that these ladies were furious over him because he had apprehended two persons namely Rohit and Ankit in an incident involved in case FIR No. 763/2024 under Sections 333/115(2)/110/324(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at P.S. Bhalswa Dairy, Delhi. It is further alleged that these three ladies started using filthy language and told the said Head Constable that they will teach him a lesson. It is alleged that the three ladies assaulted the Head Constable Teenu and when Head Constable Naresh and Head Constable Lekhraj tried to save him, they assaulted them as well. Meanwhile, it is alleged, another lady with one of the male associates, namely, Amir reached there and all the 5 persons started assaulting the aforesaid police personnels.

5. During the assault, it is alleged that when Head Constable Teenu tried to record the incident with his mobile phone the applicant Hema (in **BAIL APPLN. 514/2025**) snatched his mobile phone and had put the same inside her upper garment and the applicant Kajal @ Laxmi (in **BAIL APPLN. 162/2025**) robbed the second mobile phone from his trousers. It is alleged that during this episode, all of them pulled and tore the uniform of Head Constable



Teenu and Head Constable Lekhraj, as well as the shirt worn by Head Constable Naresh. It is also alleged that during the incident the other police personnels whenever they could find a chance, had recorded the incident on the mobile phone. In the meantime, Head Constable Lekhraj and Head Constable Naresh made several calls to the SHO for deployment of other officers for help.

6. It is alleged that when the Investigating Officer reached the spot 500-600 people had gathered and they saw that the police personnels were being surrounded and assaulted by the said ladies and the person named Amir. The uniforms of the said personnels were found torn and with the help of the staff the crowd was removed. However, the said persons continued to misbehave with the Investigating Officer and the other staff. As per the FIR dated 07.10.2024, the Investigating Officer took the three ladies to Babu Jagjeevan Ram Hospital ('BJRM Hospital'), Jahangirpuri, Delhi and the police personnels were sent to Burari Hospital in order to avoid further escalation of the situation. It is stated in the FIR that only the applicant in **BAIL APPLN. 514/2025**, Hema, got her MLC prepared in which no fresh injury was observed, while the other three ladies left the BJRM Hospital and disappeared. It is stated that, thereafter, the present case was registered and investigation was conducted.

7. Learned counsel appearing on behalf of the applicant Kajal @ Laxmi in **BAIL APPLN. 162/2025** submitted that the present FIR is a counter blast to a complaint filed by the applicant because she had made the said complaint against one Sub Inspector Balwant who was the Investigating Officer in the FIR No. 340/2024. Since no action was taken by the SHO concerned, written complaints were also made to the higher authorities on 27.08.2024. With



regard to the date of the incident, it is submitted that the applicant along with the co-accused Hema were assaulted by the Head Constable Teenu under the orders of SHO Manish Bhati. It is submitted that one of the applicants, *i.e.*, Ms. Hema was pregnant and suffered a miscarriage after the assault. It is further submitted that the learned ASJ while rejecting the order of granting the anticipatory bail had stated that the applicant was not cooperating with the investigation without specifying as to what cooperation was not extended. It is further submitted that the allegations with respect to snatching of the mobile phone are impossible. Learned Counsel appearing on behalf of the applicant has also placed reliance on a judgment passed by the Hon'ble High Court of Karnataka at Bengaluru in *Smt. Bhavani Revanna v. State of Karnataka, 2024 SCC OnLine Kar 57*. The aforesaid judgment was relied upon to submit that differential treatment should be given to women in bail jurisdiction. It is submitted that in view of the above, the applicant should be granted anticipatory bail.

8. Learned counsel for the applicant Hema in **BAIL APPLN. 514/2025**, in addition to the above submissions had submitted that applicant, Hema was pregnant at the time of the incident and on account of the assault by the Police officials, she lost the pregnancy. The MLC from BJRM Hospital, Jahangir Puri dated 07.10.2024 was handed over in Court today to show that the patient was referred to the Gynaecology Department. The said MLC was presented to demonstrate that certain statements made by the Investigating Officer in the status report before the learned Trial Court was incorrect, inasmuch as he had stated in the status report that the fact of pregnancy and beatings by the police were concocted and baseless. It is further submitted that in the FIR itself it has been stated that the ladies were taken to the BJRM Hospital,



however, if the mobile phone was in the custody of the present applicant, then it ought to have been seized by the Investigating Officer at that particular point of time. The learned counsel for the applicant has also shown to the Court two video clips from his mobile phone. It has been submitted that in one of the clips, one officer is seen cocking his pistol and in the other clip, it is seen that one of the Head Constable is snatching the phone from one of the present applicants.

9. *Per contra*, learned APP for the State submits that the footage played in the Court corroborates the allegations made in the FIR. It is further submitted that both the applicants played an active role in the whole incident and the investigation is at a very initial stage. It is further submitted that one of the ladies is still absconding and her identity is unknown. The mobile phones are yet to be recovered. It is pointed out that the other applicant, Kajal @ Laxmi and another lady who were taken to the BJRM Hospital slipped out from the said Hospital and in all probability the mobile phone taken by the applicant, Hema could have been handed over to those ladies. It is also submitted that one of the co-accused in the present case, Amir was arrested on 06.10.2024. It is further submitted that the applicant is previously involved in another FIR bearing No. 340/2024 under Sections 447/427/34 of the IPC. It is further submitted that another video footage with respect to the apprehension of accused Rohit and Ankit in case FIR No. 763/2024 registered at P.S. Bhalswa Dairy also shows that these applicants opposing the apprehension of the aforesaid accused persons. It is further submitted that the clip relied upon by the applicant is with respect to arrival of additional force post the incident.

10. Heard the learned counsel for the parties and perused the record.



11. With the consent of the learned counsels for the applicants the video footage of the date of the incident was played in open Court. On a perusal of the said video footage, it is seen that the applicant Hema, who has been identified wearing a striped shirt and the applicant Kajal @ Laxmi who has been identified wearing a blue shirt, both are aggressively jostling one Head Constable in police uniform surrounded by a crowd. It is further noted that the uniform buttons of the Head Constable were broken, his shirt was pulled up and there were visible marks on his face. The aggression displayed by the two applicants at the spot falsifies their story of being assaulted by the concerned Head Constables. The action of both of the applicants with respect to the police personnel in uniform in front of the general public shows complete disregard to law and order.

12. It is pertinent to note that the allegation in the FIR is that the applicants started misbehaving with the police personnels on account of a previous incident in which the brothers of the applicant Hema namely Ankit and Rohit were arrested. The said incident is of 24.08.2024 and the incident in the present case is of 06.10.2024. In the present application filed on behalf of the applicant Hema, the following averments made in the Para 7 which are reproduced herein as under:-

“7. That as per the FIR No. 820/2024 dated 06.10.2024, the story created by the police officials and made allegations against the petitioner and her friends is totally false and concocted whereas, on that day i.e. 06.10.2024, alongwith her friends, the applicant/petitioner visited Ramleela, on that day, one head constable Teenu Deshwal alongwith other police man namely Lek Raj and Naresh, who were deputed on duty at that time, passing the vulgar comments that *"Randi Aa Gai Hai, Aaj Iski Kachchi Utaro Kyonki Isne Balwant Ko Rishwat Lete Huye Video Banai Hai Aur Isne Complaint Police*



Commissioner Ko Diya Hai". Thereafter, the petitioner went to ask alongwith her friends to the said police officials asked why are you passing these type of vulgar comments, the police officials started abusing, used filthy language and also said ran away from here. Thereafter, the quarrel started between them. After seeing, things getting worse, the police officials took the petitioner with the help of lady constable Ms. Sarita in police station Bhalswa Diary and brutally beaten the petitioner on behest of the SHO and due to severe beating by the police officials caused miscarriage and her health become worse. It is pertinent to mention here that at that time, the petitioner was pregnant and when the condition became out of the control of the police officials, the police officials took the petitioner for the medical examination and released her morning at 10:00AM on the next day. The Copy of Medical documents are annexed herewith as **Annexure-P-3."**

13. The medical examination of the applicant Hema was conducted on 07.10.2024 at 12:20 a.m. In her MLC dated 07.10.2024, it is recorded that no fresh external injuries on examination were seen and the patient was referred to the Gynaecology Department. In the said MLC of the applicant Hema produced along with the status report, it is noted that she herself had refused to get treatment. In the MLC produced by the police, it was further recorded that "Note: Patient is uncooperative and misbehaving with duty doctor and the hospital staff." So far as the contradiction pointed out in the Status Report and the FSL Report, the relevant portion of the Action Taken Report filed before the learned JMFC, North, Rohini Courts records as under:-

"Then some how they were taken to police station but in mid way when they complaint regarding misbehave and beaten by the police personal, all they were sent to BJRM hospital for medical Examination but no fresh injury could be observed by the doctor. hence the fact of pregnancy and beaten by the police personals were found concocted and baseless."



14. This Court has also examined the recording showed by the learned counsel for the applicant (Hema) in one of the video clips it is seen that the police constable is cocking his pistol and the other video clip shows that the applicant, Hema and one Head Constable Naresh stated to be in civil clothes, however, snatching of the mobile phone from the applicant Hema was not visible.

15. As per the learned APP, the present applicants were also previously found involved in another case in which FIR No. 340/2024 under Sections 447/427/34 IPC was registered at P.S. Bhalswa Dairy.

16. The present applications seek anticipatory bail. One of the factors for consideration for the grant of anticipatory bail is the nature of allegations made *qua* the applicant and the facts and circumstances of the particular case. Just because the present applicants are ladies will not automatically entitle them to the grant of anticipatory bail, as the grant of such a relief is discretionary in nature and depends on the facts and circumstances of each case. As pointed out, hereinabove, this Court has seen the video footage in the presence of the counsels for the applicants and the Investigating Officer. As already noted hereinabove, the actions of the applicants as captured in the said footage leave no manner of doubt in the mind of this Court regarding the involvement of the applicants in the present incident and, therefore, their custodial interrogation is required.

17. In view of the aforesaid facts and circumstances, this Court is not inclined to exercise discretionary powers for grant of anticipatory bail. The application stands dismissed and disposed of.

18. Pending application(s), if any, also stand disposed of.



19. 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 anticipatory bail application.

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

AMIT SHARMA, J

FEBRUARY 12, 2025/kr/sc

Click here to check corrigendum, if any