

Rishi @ Bhondu vs State Of Nct Of Delhi & Anr on 26 September, 2023

Author: Tushar Rao Gedela

Bench: Tushar Rao Gedela

\$~15

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 605/2023
RISHI @ BHONDU

STATE OF NCT OF DELHI & ANR

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

% 26.09.2023 [The proceeding has been conducted through Hybrid mode]

1. This is an application under Section 438 Cr.P.C., 1973 seeking enlargement on bail in the event of arrest in FIR No.116/2023 under Sections 376/506 IPC, 1860 and Sections 4/6/17 of POCSO Act, 2012.

2. Learned counsel appearing for the applicant submits that by virtue of order dated 24.02.2023 passed by this Court, the applicant was given interim protection, subject to his participation in the investigation process. Learned counsel submits that pursuant to the said order, the applicant had been regularly appearing before the IO as and when directed and has participated in the investigation process. He further submits that the chargesheet has been filed without arrest.

3. Learned counsel submits that even otherwise the applicant was This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 27/09/2023 at 00:47:37 not arraigned in the FIR and even so far as the statement of the prosecutrix under Section 164 Cr.P.C. is concerned, though the applicant is named therein, however, no role has been attributed to him at all.

4. That apart learned counsel for the applicant submits that the other co-accused persons have already been released on regular bail. So far as the main accused person is concerned, learned

counsel submits that this Court has granted interim bail to him for the purpose of academic pursuit.

5. Learned counsel submits that in the aforesaid circumstances and keeping in view the fact that the chargesheet has already been filed, the requirement for custodial interrogation may not arise and therefore, the applicant be enlarged on anticipatory bail.

6. Mr. Mukesh Kumar, learned APP for State submits that though the IO had informed the prosecutrix about the today's date of hearing, however, she has expressed her inability to appear before this Court.

7. That apart, learned APP affirms the submissions of learned counsel for the applicant that the applicant had participated and cooperated with the investigation process. He also affirms the submission that the chargesheet has been filed without arrest.

8. This Court has heard submissions of learned counsel for the applicant as also Mr. Mukesh Kumar, learned APP for State.

9. It is not doubted that by virtue of the interim protection order granted by this Court, the applicant had participated in the investigation process culminating in filing of the chargesheet. It is also not disputed that the chargesheet was filed without arrest of the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 27/09/2023 at 00:47:37 applicant.

10. It is also to be considered that the other co-accused persons, other than the main accused, have already been enlarged on regular bail by the learned Trial Court. So far as the main accused person is concerned, he has already been granted interim bail, as submitted by learned counsel for the applicant.

11. Keeping in view the fact that the chargesheet has been filed and the applicant had participated in the investigation process, nothing further remains for detaining the applicant for purpose of further investigation and for custodial interrogation in that aspect and the applicant can be enlarged on anticipatory bail.

12. Accordingly in the event of arrest, the applicant shall be released on bail on the terms to be decided by the concerned learned Trial Court.

13. A copy of this order be sent through Special Messenger forthwith to the concerned learned Trial Court for necessary action.

14. The bail application stands disposed of.

15. Dasti.

TUSHAR RAO GEDELA, J SEPTEMBER 26, 2023 Aj This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 27/09/2023 at 00:47:38