



2025:DHC:406



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

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Judgment delivered on: 17.01.2025+ **CRL.M.C. 4356/2022**

ANIL KUMAR BHARTI

.....Petitioner

Through: Mr. Kriti Ranjan, Mr. Kumar
Gaurav and Mr. Tanishq Sharma,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rajkumar, APP for the State
Mr. L.S. Chaudhary Mr. Ajay
Chaudhary, Mr. Bharat
Chaudhary, Mr. Vikram Singh,
Mr. Anirudh Sharma and Ms.
Ayushi Gupta, Advocates for
respondent no. 2.**CORAM:****HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.**

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed on behalf of the petitioner seeking quashing of order dated 30.08.2022 passed by the learned Additional Sessions Judge-06 (West), Tis Hazari Court, Delhi in case arising out of FIR bearing No. 28/2022 dated 05.01.2022 registered at Police Station Mundka for offence punishable under



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Sections 363/366/323/344/376/506/120B/34 of Indian Penal Code, 1860 and Section 6/17/21 of the Protection of Children from Sexual Offences Act, 2012 (*POCSO Act*).

2. The petitioner herein had preferred an anticipatory bail application before this Court i.e., which was disposed of *vide* order dated 02.08.2022. The relevant portion of the said order is set out below:

“6. It has been submitted that charge-sheet stands filed on 06.06.2022. The present applicant/accused is Fufa of the main accused namely Shubham Kumar, who is alleged to have eloped with the prosecutrix.

7. The main accused is lodged in Jail. The present applicant/accused was not arrested and he has joined the investigation. Since the charge-sheet stands filed without arresting the accused, I deem it proper to give interim protection to the present applicant/accused with liberty to move an application for bail before the concerned Special Court. The bail application will be moved within three weeks and the concerned Court will decide the same expeditiously. In case the order is passed against the present applicant/accused, he is protected for one week thereafter so that he may take appropriate steps.

8. The present petition is disposed of with the directions that the accused/applicant Anil Kumar Bharti be not arrested till the expiry of one week from the date of the order of the learned Trial Court in case bail application is dismissed.”

3. Thereafter, the present petitioner had approached the learned Sessions Court in view of the liberty granted to him by this Court.

4. By way of the impugned order dated 30.08.2022, the learned Sessions Court had dismissed the bail application of the present petitioner.



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5. At the outset, this Court notes that the petitioner herein was granted protection from arrest *vide* order dated 06.09.2022 passed in the present case. However, the petitioner thereafter had preferred a bail application i.e. *BAIL APPLN. 40/2025* before this Court which was heard alongwith the present petition.

6. By way of order passed today in *BAIL APPLN. 40/2025*, the present petitioner has been granted bail in the present FIR. In view thereof, nothing survives in the present petition inasmuch as it assails the order of dismissal of the petitioner's bail application passed by the learned Sessions Court.

7. Accordingly, the present petition is disposed of as infructuous.

8. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 17, 2025/ns