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

+ BAIL APPLN. 3635/2022 & CRL.M.A. 25427/2022

SALEEM

..... Petitioner

Through: Mr. Sudarshan Rajan, Advocate with
Mohd. Qamar Ali, Advocate and Mr.
Hitain Bajaj, Advocate.

versus

THE STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Meenakshi Dhaiya, APP for the
State with S.I. Madhu Yadav, P.S:
Jaitpur.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.12.2022

CrI.M.A. No. 25427/2022 for exemption)

Exemption is granted, subject to just exceptions.

Let requisite compliances, if any, be made within one week.

The application stands disposed of.

Bail Appl. No.3635/2022 (for regular bail)

By way of the present petition under section 439 read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C') the petitioner seeks grant of regular bail. The petitioner is presently in custody for offences arising from F.I.R No. 320/2022 registered under section 376 of the Indian Penal Code, 1860 ('IPC') and under section 4 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: Jaitpur.

2. Issue notice.
3. Ms. Meenakshi Dahiya, Ld. APP appears for the State on advance copy; accepts notice; and seeks time to file status report.
4. Let status report be filed before the next date; with advance copy to the opposing counsel.
5. Let updated nominal roll be requisitioned from the Jail Superintendent for the next date.
6. Let intimation under section 439(1-A) Cr.P.C. read with Delhi High Court Practice Directions dated 24.09.2019 in form *Annexure-A* attached to the Practice Directions, be sent by the Investigating Officer to the complainant, informing her that her presence is required at the hearing of this bail application on the next date.
7. Upon being queried, Mr. Sudarshan Rajan, learned counsel for the petitioner submits that he was specifically asked by the Registry to make the victim/prosecutrix a party-respondent in the matter, which is why respondent No. 2 came to be impleaded as such.
8. In the circumstances, the Registrar (Filing) is directed to inform this court as to whether there is any ruling by any court or any practice directions issued, requiring the impleadment of a victim/prosecutrix/informant as a respondent (even if anonymised) in bail applications or criminal appeals relating to sexual offences under the IPC and/or the POCSO Act. This query be answered in light of the fact that the identity of the victim/prosecutrix is supposed to be protected and kept confidential in all such proceedings; and section 439(1-A) of the Cr.P.C. and practice directions dated 24.09.2019 issued by the Delhi High Court *only require* that the victim/informant

or any person authorized *be heard* at the time of hearing of a bail application for certain offences. Let a report be filed in response to the query, before the next date.

9. In the meantime, the petitioner is directed to delete respondent No.2 from the array of party-respondents and to file an amended memo of parties.
10. List on 16th January 2023.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 5, 2022

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