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

% ***Date of Decision: 24th March, 2026***

+ CRL.M.C. 6613/2023, CRL.M.A. 8476/2026 & CRL.M.A. 8477/2026

RAJAN AHUJAPetitioner

Through: Mr. Rajiv Bajaj and Mr. Naman Arora,
Advocates (DHCLSC)

versus

STATE AND ANRRespondent

Through: Mr. Sunil Kumar Gautam, APP for
State/R-1 with SI Divya, PS
Kishangarh
Mr. Rohit Rattu, Advocate for
complainant/R-2

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The situation is little unusual here.
2. Applicant is facing trial in case FIR No. 402/2022 dated 30.08.2022, registered at Police Station Kishan Garh for commission of offences under Sections 354(A)/354(D)/509 IPC.
3. He sought bail and *vide* order dated 27.03.2023, learned Court of Sessions granted him bail. While granting bail, learned Court of Sessions observed as under: -

“In the opinion of the Court, the allegations of the accused that he has been falsely implicated at the behest of the complainant cannot be dismissed at the threshold, however, without expressing any opinion on the merits of the contentions of both sides, this Court is of the opinion that custodial detention of the accused is not required in fact and circumstances of the case. Accused is therefore granted regular court bail pending trial on his furnishing personal bail bond and one surety in the sum of Rs. 35,000/- with the following conditions:-



(i) that the accused shall not reside within a distance of 10 km from the house of the victim or the complainant.

(ii) that the accused shall not in any manner foster contact engage in any personal interaction with the victim or the complainant which has the affect of prejudicing trial.

(iii) that the accused shall appear on each and every date before this Court during trial.

With these observation bail application is allowed.”

(emphasis supplied)

4. The grievance of the petitioner is with respect to the condition No. 1 above i.e. his not being permitted to reside within a distance of 10 kms from the house of the victim or the complainant.

5. At the time grant of aforesaid bail, though the investigation was complete, the charges had yet not been ascertained and when the applicant moved an application seeking alteration/waiving off of the aforesaid condition, his such application was dismissed by learned Court of Sessions on 10.07.2023. Alteration was denied, primarily, for the reason that counsel for complainant has apprehended threat to the safety and security of the minor girl and her mother.

6. Applicant/accused and concerned victim and her family are residents of the same building. Applicant/accused herein is occupying ground floor whereas victim and her family are residing at the first floor. These are their respective self-owned floors/residences.

7. Feeling aggrieved by the aforesaid order dated 10.07.2023, applicant filed present petition seeking modification and waiving off the aforesaid condition. He asserts that by imposing the aforesaid condition, his valuable right to reside has been adversely jeopardized as he has been denied to live in



his own house. He submits that parties are already in litigation and a civil suit is going on between the parties and, moreover, since concerned minor has already entered into witness box and her mother has also already been examined, the aforesaid condition cannot be permitted to exist any more.

8. Petitioner was permitted to join the proceedings through *videoconferencing* from jail. He has addressed arguments all by himself.

9. When asked, he submitted that he is in jail only in connection with aforesaid case. He submits that though there is one more case against him but in such other case, he is on bail, already.

10. During course of the arguments, he informed that that learned Trial Court has, *vide* order dated 11.09.2025, already permitted his release on mere furnishing of personal bond, *albeit*, the conditions, as above noted, continue to be in operation, subject to any order passed in the present matter.

11. Learned counsel for complainant has joined the proceedings through *videoconferencing* and submits that he would have no objection if the aforesaid condition is waived off, particularly, in view of the fact that victim has already been examined. He, however, submits that though there are CCTV camera installed on the first floor where the complainant is residing, the petitioner herein may also be requested to install CCTV cameras at the ground floor. Petitioner has, himself, volunteered that once he is released from jail, he would take requisite steps and would install such CCTV camera outside his premises, within a period of four weeks from his release.

12. Nominal Roll of petitioner has been received. Same is taken on record. As per Nominal Roll, petitioner is behind the bars for last 03 years, 03 months and 16 days and his jail conduct for last one year has been reported to be satisfactory. Nominal Roll also reflects no previous conviction.



13. Keeping in mind the overall facts of the case and also the aforesaid concession given by the learned counsel for complainant also, present petition is allowed and the aforesaid condition no. 1 stands waived. However, at the same time, petitioner, as undertaken during course of the arguments, would not try to communicate, in any manner whatsoever, with the complainant or her family members and shall adhere to the other conditions. Petitioner has already been permitted to be released on personal bond and since despite there being a bail order in his favour, petitioner continues to languish in jail for last around three years, let personal bond be furnished before the concerned Superintendent Jail so that there is no further delay in his release.

14. A copy of this order be immediately sent to concerned Superintendent Jail for due information and compliance and with direction to give copy of such order to petitioner for his reference and record.

15. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MARCH 24, 2026/dr/sy