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

+ **CRL.M.C. 9976/2024**

Anjali Transgender

.....Petitioner

Through: Ms. Nandita Rao, Sr. Adv. with Mr. Sachin Dubey, Mr. Mohit Jain, Mr. Ujjwal Kumar, Mr. Amit Peswani and Mr. Kausar Shakeel, Advs.

Versus

STATE & Another

.....Respondents

Through: Mr. Aashneet Singh, APP for State with Insp. Abhishek Verma, PS. I.P. Estate.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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18.12.2024

CRL.M.A. 38220/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 read with Section 483(3) BNSS seeking cancellation of bail granted to the accused Shalu/respondent no.2 by the Hon'ble Supreme Court *vide* order dated 20.02.2024 in Special Leave to Appeal (Criminal) 16516/2023 in relation to the FIR No. 77/2019 under Sections 302/307/34/120B IPC registered at Police Station I.P. Estate.
4. Ms. Nandita Rao, the learned Senior Counsel for the petitioner invites



attention of the Court to the order dated 20.02.2024 passed by the Hon'ble Supreme Court to contend that the respondent no.2/Shalu was granted bail by the Hon'ble Supreme Court subject to the conditions to be imposed by the learned Trial Court.

5. She submits that post release of the respondent no.2 on bail, she has violated the conditions imposed by the learned Trial Court, subject to which the bail was granted.

6. She submits that after the grant of bail, the present petitioner had approached the Hon'ble Supreme Court in the aforesaid disposed of Criminal Appeal, seeking impleadment, as well as, necessary directions. She submits that *vide* order dated 29.07.2024, the Hon'ble Supreme Court dismissed the application of the petitioner granting her the liberty to seek cancellation of the bail granted by the Hon'ble Supreme Court *vide* order dated 20.02.2024.

7. In view of the above, issue notice.

8. The learned APP for the State accepts notice. He submits that in view of the aforesaid order of the Hon'ble Supreme Court, the petition seeking cancellation ought to have been filed before the Hon'ble Supreme Court since the bail was granted by the Apex Court.

9. The above submission is controverted by the learned Senior Counsel for the petitioner. She submits that the conditions which have been violated by the respondent no.2/Shalu were imposed by the learned Trial Court, therefore, the learned Trial Court was competent to entertain the application seeking cancellation of bail.

10. Ms. Rao also invites the attention of the Court to the impugned order to contend that the learned Trial Court has observed that the application



seeking cancellation of bail is maintainable.

11. Let Status Report be filed before the next date.
12. List before the Roster Bench on 15.01.2025.

DECEMBER 18, 2024/dss

VIKAS MAHAJAN, J