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

+ CRL.M.C. 9976/2024

ANJALI TRANSGENDER

.....Petitioner

Through: Mr. Manish Vashisht, Sr. Adv. with
Mr. Mohit Kumar Mudgal and Mr.
Mohit Jain, Advs.

Versus

STATE THROUGH SHO PS IP ESTATE
& ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for
State.
Mr. Kanhaiya Singhal, Mr. Prasana,
Mr. Ajay, Ms. Ankita Makan, Ms.
Parul, Mr. Pulkit Jolly, Mr. Rishabh
Bhardwaj and Mr. Binwant Singh
Advocate for R-2.
Inspector Abhishek Kumar, P.S. IP
Estate.
Inspector Rakesh Dadwal, SHO, Neb
Sarai.
SI Neeraj Saini, P.S. Neb Sarai.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

17.03.2025

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1. By virtue of the application under Section 528 read with Section 483(3) BNSS, the petitioner is seeking the cancellation of bail of respondent no.2 (Shalu).

2. Respondent no.2 has been granted bail by the Hon'ble Supreme Court *vide* order dated 20.02.2024 in relation to case FIR No.77/2019 under Sections 302/ 307/ 120 B/ 34 IPC and Sections 27, 54 and 59 of the Arms



Act at P.S. I.P. Estate.

3. Sh. Manish Vashisht, learned Senior Advocate appearing for petitioner submits that accused/Shalu has violated the bail conditions. It is submitted that accused has been continuously stalking and trying to contact and threaten the applicant since the grant of bail to him.

4. Due to constant threat being received, the applicant has made various complaints and in respect of one such complaint dated 03.03.2024, an FIR bearing no. 167/2024 under Section 195A has also been registered against the accused/Shalu.

5. It is further submitted that since the bail was granted by the Hon'ble Supreme Court vide order dated 20.02.2024, the applicant was constrained to approach the Hon'ble Supreme Court for cancellation of bail of respondent no.2. The Hon'ble Supreme Court vide order dated 29.07.2024, granted liberty to the applicant for seeking cancellation of bail.

6. In terms of the said order, the applicant filed an application under Section 439 Cr.P.C. before the Sessions Court. However, the said application came to be dismissed vide order dated 20.11.2024.

7. Petitioner is one of the witnesses in case FIR No.77/2019. The learned Senior Counsel submits that on 09.03.2025, petitioner received call from mobile phone no.9873342306, threatening to murder the petitioner in case he deposed against respondent no.2.

8. It is submitted that such mobile phone conversation has been recorded by the petitioner and reported to the police vide complaint dated 09.03.2025.

9. A copy of such complaint along with transcript of the conversations has been filed today with list of additional documents.

10. The learned counsel has argued that respondent no.2 has violated the



condition of grant of bail, therefore, his bail is liable to be cancelled on this ground.

11. The application has been vehemently opposed by Mr. Kanhaiya Singhal, learned counsel for respondent no.2. It is submitted that the intent of the petitioner is to somehow get the bail of the respondent no.2 cancelled on one or the other ground. It is submitted that no threat has been extended by respondent no.2 either directly or indirectly. It is submitted that even though FIR has been registered upon the complaint of the petitioner, the Investigating Officer has not even deemed it appropriate to arrest the accused.

12. It is submitted that based on the report of the DCP, South District, the Witness Protection Committee did not even find any need to provide round the clock security to the petitioner and just gave liberty to the petitioner to approach the SHO for providing the PSO from home to court and from court to home on the date of deposition.

13. Status report has been filed by the DCP, South District. As per the said report with regard to the incident dated 09.03.2025 upon verification, it was found that the mobile phone was switched-off. On further verification the Investigating Agency found that the date of activation of mobile phone (9873342306) is 08.03.2025 and the same was registered in the name of one Mr. Deepanshu, resident of Sangam Vihar. However, the address was found to be untraceable due to incomplete address and efforts are being made to trace the caller.

14. The learned APP under instructions from the IO states that the address of Mr. Deepanshu in whose name the aforesaid mobile number was registered has since been verified and that according to Mr. Deepanshu, he



handed over the SIM to one Krishna but he is not traceable and efforts are being made to trace him.

15. Learned APP further states that fresh threat assessment request has been sent to the DCP Headquarter on 06.03.2025 but the report is still awaited.

16. Keeping in view the entire facts and circumstances and in particular, the fact that the caller who made the call on 09.03.2025 is being traced, State is directed to file a fresh status report in respect of the complaint made by the petitioner regarding stalking, extension of threat etc., after making further inquiry into the threat perception. In the meanwhile the IO is directed to provide round the clock security to the petitioner so that no one is able to approach or even threaten the witness and the witness is able to depose freely and fairly before the court.

17. At this stage, it is informed that the matter is listed before the learned Sessions Court on 19.03.2025 and 20.03.2025 for the recording of the testimony of the petitioner.

18. The Trial Court may proceed with the recording of the testimony with direction to grant liberty to the petitioner to appear and depose through Video Conferencing, if so requested by the petitioner.

19. The State is directed to ensure that round the clock security is provided today itself and such security shall continue till further directions from this Court.

20. The learned counsel of respondent no.2 submits that identity of respondent no.2 is not disputed and, therefore, to allay the fear of the petitioner of threat/criminal intimidation, respondent no.2 may also appear through virtual mode before the court.



21. Re-notify on 28.04.2025.

RAVINDER DUDEJA, J

MARCH 17, 2025/sky/r/f