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

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Date of decision: 24.07.2023

+ BAIL APPLN. 2762/2020

YUDHVIR SINGH

..... Petitioner

Through: Mr. Sumit Chaudhary, Advocate.

versus

STATE AND ANR

..... Respondents

Through: Mr. Shoaib Haider APP for State with
Insp. Pawan/DIO, SI Mumtaz/IO and
ASI Virender P.S. S.P. Badli.
Mr. Vijay Datt Gahtori and Mr.
Priyank Kharkwal, Advocates for R-
2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (oral)

1. An application under **Section 438 Cr.P.C** has been filed in FIR No.425/2020 dated 07.07.2020 registered under Section 376/328/323/506 IPC at P.S. S.P. Badli, District North, on behalf of the petitioner Yudhvair Singh for grant of anticipatory Bail.
2. The case of Shri Yudhvair Singh the accused is that he had received Rs.4,80,000/- from his clients on 20.03.2020 which he had kept in an almirah about which the victim was aware. A Nationwide lockdown was imposed in the country due to Covid-19 Pandemic on 22.03.2022. The



victim on the pretext that the lockdown would be revoked w.e.f 16.05.2020 ostensibly for cleaning, visited the office on 14.05.2020 to 16.05.2020. On 18.05.2020 another employee found the almirah broken and the money stolen. The complainant got an FIR under Section 379 registered online on 27.05.2022. The victim and her husband on interrogation, confessed to stealing the amount and undertook to return the stolen money.

3. As a counter-blast the victim got the present FIR under Section 376/328/323/506 IPC registered against the petitioner. The anticipatory bail filed on behalf of the petitioner was rejected by the learned Additional Sessions Judge, Special Judge (NDPS), North, Rohini Courts vide Order dated 17.08.2020. The petitioner has thus sought the anticipatory bail by way of the present bail application.

4. **Learned APP for the State submits** that a charge sheet has already been filed in this case on 06.05.2022, though the charges are yet to be framed.

5. **The learned Counsel for the Complainant has opposed** grant of bail on the ground that threat was extended to the complainant on 12.10.2022 to withdraw this case.

6. **Submissions heard.**

7. The **facts** are that the victim 'R' in her complaint had alleged that while working as Assistant in the office of the petitioner she was administered laced juice and was thereafter raped. Allegedly, her photographs were taken and video was prepared. She was threatened by the petitioner that he would make the photos and video viral and would defame and kill her. She got married in March, 2019 but due to fear of threats given by the petitioner, she did not disclose anything to her husband. The



petitioner continued to rape her even after she got married. In March, 2020 she stopped going to the office of the petitioner, but the petitioner started harassing the family members and husband of the victim by calling them.

8. Admittedly, an FIR under Section 379 IPC was first got registered by the petitioner and apparently the recovery of the stolen money was made from the victim. Subsequent thereto, the present FIR alleging rape by the petitioner has been filed. The charge sheet has already been filed in the FIR. Further, the petitioner had been granted interim protection from arrest on 13.10.2021 and during this period, no misdemeanour or interference with investigations has been reported. Though it has been argued on behalf of the victim that some threat had been extended to the complainant on 12.10.2022, but neither before nor after that there is any alleged threat given to her.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest, the applicant be released on bail on his furnishing personal bond in the sum of Rs. 25,000/- and one surety of the like amount to the satisfaction of the Investigating Officer subject to the following conditions:-

- a) He shall surrender his passport, if any, to the Investigating Officer and shall under no circumstances leave India without prior permission of the Court concerned;
- b) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c) He shall provide his mobile number(s) to the Investigating Officer and keep it operational at all times;



d) In case of change of residential address and/or mobile number, the same shall be intimated to the Investigating Officer/ Court concerned by way of an affidavit.

10. With the aforesaid directions, the present bail application stands disposed of.

11. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 24, 2023/va

