



\$~69

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

+ **BAIL APPLN. 129/2024**

YOUVIN @ GIRISH

..... Petitioner

Through: Ms. Mumtaz Ahmad and Mr. Satish
Sharma, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Preeti, P.S. Kalkaji.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

11.01.2024

CRL.M.A. 1040/2024 (exemption)

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

BAIL APPLN. 129/2024

3. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case FIR bearing no. 541/2023, registered at Police Station Kalkaji, Delhi for the offences punishable under Section 376 of the Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of State.
5. Briefly stated, the facts of the present case are that the present FIR



was registered on the basis of written complaint of the complainant wherein it is alleged that in November 2022, the prosecutrix had met the applicant in public transportation while going to her office at Kharipur. After that, they had exchanged phone numbers and Instagram ID's and had started talking to each other. It is alleged that both the applicant and prosecutrix entered into a relationship and that the applicant had made physical relation with victim at his office on the pretext of marriage. It is further alleged that last physical relation between both of them was on 07.12.23. It is also alleged that after 18.12.23, the applicant had started ignoring the prosecutrix and had blocked her. Thereafter, the prosecutrix had gone to house of the applicant and had called the PCR. The PCR call was then transferred to Police Station Kalkaji, Delhi from Police Station Maidan Garhi, Delhi. Thereafter, the prosecutrix along with her mother had gone to Police Station Kalkaji and had lodged the complaint against the applicant on which the above-mentioned FIR had been registered.

6. Learned counsel for the applicant vehemently states that the initial complaint lodged by the prosecutrix and the later statements are different. It is stated that it was a consensual relationship. It is also stated that this is not a case of breach of promise of marriage but rather when the applicant came to know that the prosecutrix was in relationship with another person, he had refused to marry her.

7. Learned APP for the State, on the other hand, states that the applicant has not joined investigation and that the allegations are to be investigated. It is also stated that there are allegations that the applicant herein had also administered certain medicines to the prosecutrix due to which prosecutrix had to undergo abortion, the investigation is at initial stage and the bail be



dismissed.

8. This Court has heard arguments addressed by learned counsel for the applicant and learned APP for the State and has perused the material on record.

9. Considering the overall facts and circumstances of the case and the fact that the counselling of prosecutrix had been conducted by Delhi Commission for Women counsellor and on 21.12.2023, medical examination of prosecutrix had been conducted at All India Institute of Medical Sciences ('AIIMS'). Thereafter, on 22.12.2023, the statement of prosecutrix under Section 164 of Cr.P.C. was recorded in which the prosecutrix corroborated with her complaint and charge sheet in this case has not been filed yet.

10. This Court notes that the applicant herein has still not joined investigation and no ground for grant of anticipatory bail is made out, at this stage.

11. Accordingly, the present application stands dismissed.

12. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 11, 2024/zp

Click here to check corrigendum, if any