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

+ **BAIL APPLN. 233/2024**

SUJAY KUMAR

..... Applicant

Through: **Ms.Rishina Parashar &
Mr.Rohan Sharma, Advs.**

versus

STATE GOVT NCT OF DELHI

..... Respondent

Through: **Mr. Shoaib Haider, APP along
with W/SI Soni Lal, PS Nabi
Karim, Delhi.**

**Ms.Pallavi Singh, Adv.
(DHLSC)**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

02.05.2024

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1. Ms.Pallavi Singh, learned counsel states that she has been appointed by the Delhi High Court Legal Services Committee (in short, 'DHCLSC') to represent the complainant/victim.
2. The victim, who appears virtually, submits that she does not wish for a counsel to represent her interest. In fact, she had made this same submission before the DHCLSC as well. The said fact has been communicated to this Court by the Secretary, DHCLSC by a communication dated 25.04.2024.
3. Accordingly, Ms.Pallavi Singh, learned counsel is discharged from appearing for the complainant/victim.
4. This application has been filed under Section 439 and Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for being released on Bail in FIR No. 263/2020 registered at



Police Station: Nabi Karim, Central New Delhi, originally registered under Section 363 of the Indian Penal Code, 1860 (in short, 'IPC'), later Sections 376/366 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short, 'POCSO Act') were also added.

5. It is the case of the prosecution that the victim, who was aged around 15 years at the time of the incident, had been abducted by the applicant; taken to Chandigarh; thereafter, the applicant forcefully married her and also had sexual relation with her, before she was rescued the next day.

6. On the other hand, it is the case of the applicant that the applicant was in a consensual relationship with the victim and they both had eloped with free consent of the victim. He denies having any sexual relationship with the victim.

7. The learned counsel for the applicant submits that the victim and her parents already stand examined before the learned Trial Court. She submits that the applicant has been in custody for a period of more than three years and has no previous criminal antecedents.

8. The learned APP, on the other hand, submits that the charge against the applicant is grave. He submits that the victim has supported the case of the prosecution in her examination before the learned Trial Court.

9. The victim, who is present through VC, submits that she does not wish to make any submission in the present application.

10. I have considered the submissions made by the learned counsels for the parties.



11. As has been contended by the learned counsel for the applicant, the victim as also her parents already stand examined before the learned Trial Court. I have also perused the statement given by the victim before the learned Trial Court. At the stage of considering the application for bail, I need not elaborately discuss the same for it may prejudice the case of either of the parties. Reference in this regard is placed on the judgement of the Supreme Court in ***Satish Jaggi v. State of Chandigarh & Ors.***, AIR 2007 SC (Supp) 256 and ***Anil Kumar Yadav v. State (NCT of Delhi) & Anr.***, (2018) 12 SCC 129.

12. Suffice it to say that the applicant has been in custody for more than three years and four months. He has no criminal antecedents and his conduct in the jail has also been reported to be satisfactory. He was aged around 20 years at the time of the incident.

13. Keeping in view the above circumstances, it is directed that the Applicant be released on Bail in FIR No. 263/2020 registered at Police Station: Nabi Karim, New Delhi on furnishing a personal bond in the sum of Rs.10,000/- with one local surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his residential address.
- ii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iii. The Applicant shall provide all/latest/fresh mobile



number(s) to the IO concerned, which shall be kept by the Applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned.

- iv. The Applicant shall not indulge in similar or any other criminal activity. In case the Applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his Bail in the present case as well.
- v. The Applicant shall not come in the vicinity of the victim or try to make any communication with her or come in contact, directly or indirectly, with any of the prosecution witnesses or the victim.

14. Needless to state, any observation touching upon the merits of the case is purely for the purposes of deciding the question of grant of Bail and shall not be construed as an expression on the merits of the matter.

15. The application is disposed of in the above terms.

16. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.

17. *Dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

MAY 2, 2024/rv/RP

Click here to check corrigendum, if any