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

+ **BAIL APPLN. 436/2024**

SAHIL

..... Petitioner

Through: Mr. Rahul Sharma, Mr. Kshitij Goel,
Mr. Praveen Shekhar, Mr. Jiwan Pal
Singh, Ms. Madhu Bala, Mr. Mridul
Sharma, Ms. Jankee Ballabh Pandey,
Mr. Praveen Kumar Jain, Mr.
Anupam Mahajan and Mr. Shantanu
Jha, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Rachna, P.S. Civil Lines,
Delhi.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks regular bail in FIR No.376/2023 registered under Sections 376(2)(n)/506/509/323 IPC at P.S. Civil Lines, Delhi.

2. Learned counsel for the applicant states that the applicant is in custody since 25.08.2023 and though the chargesheet is filed, however, the charges are yet to be framed. He further submits that even as per the complaint, the prosecutrix, met the applicant in year 2019, where after consensual physical relations were established. He further submits that even after the prosecutrix got married to another person, she continued to maintain physical relations and also stayed in hotels with the applicant. He



further submits that though it has been alleged that the applicant was in possession of obscene photos and videos of the prosecutrix but in her statements recorded under Sections 161 & 164 Cr.P.C, she had stated that the earlier phone having alleged videos was already lost and that the new phone did not have any such videos.

3. Mr. Sanjeev Sabharwal, learned APP for the State, has opposed the bail application. He submits that the earlier relations between the parties were established forcefully and that the prosecutrix is yet to be examined. It is further stated that the status report has been placed on record.

4. During the course of hearing, it is informed that in the year 2019 when the prosecutrix met the applicant, she was aged about 23 years and the applicant was aged about 20 years. As per the status report, the prosecutrix got married to some other person on 03.12.2020 and thereafter, on 07.12.2020, she had gone alongwith the applicant to one hotel “Royal Place Hotel, Jahangirpuri, Delhi”. The hotel records were verified which show that they had stayed together in the said hotel on 07.12.2020.

5. From the aforesaid, *prima facie*, it appears that the prosecutrix continued to meet the applicant even after her marriage. The mobile phone of the applicant already stands seized.

6. In totality of the facts and circumstances, it is directed that the applicant be released on regular bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

i) The applicant shall not leave the NCR without prior permission of the concerned Court.



- ii) Applicant shall mark his presence before the Investigating Officer on every alternate Sunday during the pendency of trial.
 - iii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
 - iv) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
 - v) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - vi) The applicant shall regularly appear before the concerned Court during the pendency of the trial.
7. The bail application is disposed of in the above terms.
8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
9. Copy of the order be uploaded on the website forthwith.
10. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same has been expressed only for the purpose of the disposal of the present bail application.
11. Application is disposed of.

MANOJ KUMAR OHRI, J

**MARCH 11, 2024/
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