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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1952/2023**

MS. P. Y.

..... Petitioner

Through: Ms. Tara Narula and Mr.
Harshvardhan Jain, Advocates.

versus

STATE OF (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State
Mr. K.P. Singh Kandola, Mr. Robin
Bhardwaj and Ms. Vandana Bhanot,
Advocates for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.01.2024

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1. By way of present petition, petitioner has challenged the order dated 24.12.2022 passed by learned Sessions Judge whereby respondent No.2 was admitted to anticipatory bail in FIR No. 598/2022 registered under Sections 328/376/506/313 IPC at Police Station K.N. Katju Marg.
2. Learned counsel for the petitioner contends that while passing the impugned order, the learned Sessions Court had not taken into consideration the nature of allegations as well as the severity of the offence. The impugned order has been passed only on account of the fact that the accused had joined the investigation and had cooperated in the same by handing over his phone and further that no custodial interrogation was demanded by the Investigating Officer.



3. Mr. Bahri, learned APP for the State as well as learned counsel for respondent No.2 have however, defended the impugned order by stating that complainant/petitioner, on her own accord, stayed with respondent No.2/accused in a live-in relationship. Learned APP informs that the charge-sheet has been filed thereby adding Sections 323/377 IPC on the basis of the subsequent statement of the complainant. It is also informed that the mobile phone seized during the investigation is lying deposited with the FSL and the report is yet to come.

4. I have heard the learned counsels for the parties and also gone through the material placed on record as well as the charge-sheet handed over in Court.

5. The FIR came to be registered on 17.11.2022 wherein the complainant had stated that she came in contact with the accused on 17.10.2019 when she joined M.D. City Hospital, Model Town as staff nurse. The first allegation relates to the incident dated 17.10.2019 when the accused sent an SMS stating that he liked the complainant. As per the complainant, she also accompanied the accused to Sun Rise Hotel, Sector - 15, Rohini when he expressed his intention to marry her and offered her juice. After consuming the juice, she lost control whereafter the accused made physical relations with her against her wishes. She also stated that the accused had taken obscene photographs of her. The FIR is replete with incidents when consensual physical relations were established time and again in Delhi and outside. The complainant admitted to be in a live-in relationship with the accused from 2019 till 2022.

6. At the time of the registration of FIR, the complainant had disclosed her age as 30 years. Accused was also stated to be 29 years of age



7. The complainant alleged that she became pregnant on multiple times, which was later aborted. A perusal of the chargesheet would show that during the investigation, Section 91 notice was given to the complainant to provide documents in support of her allegations relating to abortion as well as clothes worn at the time of the incident, to which the complainant replied that she had no material available.

8. Considering that the complainant was mature enough being around 28 years of age at the time of the first incident and also the fact that the live-in relationship between her and the accused spread over a period of more than three years, I find no ground to interfere with the impugned order. Consequently, present petition is dismissed.

9. Needless to state that the observations made hereinabove are for the purpose of this petition only and shall have no bearing on the trial

MANOJ KUMAR OHRI, J

JANUARY 11, 2024

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