



\$~72

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

+ **BAIL APPLN. 801/2024**

MOHD RAHISH @ BABLOO

..... Petitioner

Through: Mr. M.K. Singh and Ms. Maninder
Kaur, Advocates.

versus

THE STATE (NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Satish Kumar, APP for the State
along with W/SI Himika Taya, P.S.
Sultan Puri.
Mr. Vikas Singh, Advocate for
complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER
04.04.2024

%

1. The instant application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant/accused seeking anticipatory bail in case arising out of FIR bearing No. 71/2024, registered at Police Station Sultanpuri, Delhi for the offences punishable under Sections 323/324/354/451/34 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.
3. Brief facts of the present case are that on receipt of PCR call *vide DD No. 107 A* on 16.01.2024, the Police had reached house of the complainant at Sultanpuri, where a written complaint was handed over by the victim



alleging that on 16.01.2024, when she was alone at home, the present accused/applicant, who she had known previously had entered into her house and on seeing her alone, had started molesting her. She had shouted for help. After hearing her cries, a few boys from the nearby park had come to help her. On seeing those boys, the present accused/applicant had started hitting the victim/complainant. Thereafter, her husband had also come to save her. Those boys and her husband had caught hold of the present accused/applicant and had beaten him. Thereafter, the present accused/applicant had called his brother Sonu. After few minutes, Sonu's wife visited their home along with brother Sonu who had pushed the victim to the wall by touching her neck and all of them started beating her. During the scuffle, the present accused/applicant had tried to slit the victim/complainant with blade. However, the blade had hit her head and as a result, she had sustained injuries and she had fallen unconscious and was admitted to Sanjay Gandhi Hospital whereon treatment and multiple stitches had to be applied. On 18.01.2024, statement of victim under Section 164 Cr.P.C. was recorded, where she had corroborated her statement and had further added that the present accused/applicant used to be her friend and had taken intimate photographs of her. When her husband had come to know about their relationship, she had cut all ties with him. However, present accused/applicant had kept on pursuing her and making physical relations without her consent and started blackmailing that he will circulate her intimate photographs. He had also sent her intimate photographs to her relatives and had started harassing for the past three years. In view of her statement under Section 164 Cr.P.C., Section 376 was added to the FIR.

4. Learned counsel for the applicant has stated that the allegations under



Section 376 are only an afterthought and the accused has been falsely implicated in the present case. It is stated that the co-accused has already been released on bail and that the complainant who owed money to the accused, only to escape her liability has falsely implicated him in the present case. Thus, the present applicant/accused be enlarged on anticipatory bail.

5. It is argued by learned APP for the State that the allegations against the accused are serious in nature and that he has been evading arrest and despite multiple raids conducted at his home, he is not traceable and is absconding. The co-accused was released on police bail as the allegations against him only pertain to bailable offences under Sections 323 and 451 Cr.P.C. Therefore, the present application for grant of anticipatory bail be rejected.

6. This Court has heard arguments addressed by learned counsel for the applicant as well as learned counsel for the APP and has perused the material available on record.

7. After hearing arguments and going through the case file, this Court is of the opinion that the allegations against the accused/applicant are of sexual assault, on multiple occasions, by misusing the photographs of the victim, which were in his possession. Further, it is also alleged that he had circulated her photographs on social media and has also sent the same to her relatives. Further, the MLC reveals that she had sustained injuries at occipital region, measuring 4x 0.5 cms, and was beaten up by the present accused/applicant. The accused has not joined investigation and as per the learned APP, on instructions from the IO, is evading arrest. The CCTV footage outside the home of the prosecutrix has also been sent to FSL for analysis and the result is awaited. The investigation is at initial stage. The



accused is evading arrest.

8. Considering the overall facts and circumstances of the case, no case for anticipatory bail is made out.

9. Accordingly, the present application stands dismissed.

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

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 4, 2024/A

[Click here to check corrigendum, if any](#)