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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 977/2024**
HIMANSHU MAHENDRU

..... Applicant
Through: Mr.Sumit Arora &
Mr.Anshuman, Advs.

versus

THE STATE OF NCT DELHI

..... Respondent
Through: Mr.Aman Usman, APP.
SI Loveleen, PS Moti Nagar.
Victim present through VC.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
08.05.2024

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1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), praying for being released on Bail in FIR No. 0643/2023 registered at Police Station: Moti Nagar, West, Delhi, originally under Sections 323/328/376(2)(n)/457 of the Indian Penal Code, 1860 (in short, 'IPC'). Later the chargesheet was filed for offence under Sections 323/328/376(2)(n)/506 of the IPC.
2. The above FIR has been registered on a complaint of the victim, stating that the applicant had approached her and offered to establish a friendship with the victim, however, the victim refused the same. On continuous insistence from the applicant, the victim agreed, and the applicant came to her house on 09.08.2022. It is stated that there he



allegedly mixed something in her coffee, because of which, she became unconscious. The applicant is alleged to have thereafter forcefully established physical relationship with her. The victim states that even thereafter, the applicant made forceful physical relations with her on a number of occasions, promising that he would marry her. However, later the applicant changed his colours and started beating her. In September 2023, the victim became pregnant, and when she informed the applicant of the same, he hit her, because of which even the pregnancy got terminated. She alleged that subsequently the victim decided to stay separately from the applicant and left the home where she used to reside with him. She further complains that when the applicant came to know of this, he started threatening her.

3. The learned counsel for the applicant submits that the applicant has been in custody since 10.11.2023 and the charge-sheet already stands filed. He further has drawn my attention to the MLC of the victim, which states that they were in a live-in relationship since 2021.

4. On the other hand, the learned APP submits that even while in custody, the applicant has been threatening the victim, because of which even the learned Trial Court was pleased to refuse him bail, *vide* order dated 29.02.2024.

5. On the query of this Court that if the complaints of threats had been investigated by the Police, he fairly submits, on instructions from the Investigating Officer (IO), that these were not investigated.

6. Keeping in view the above and also the fact that the applicant has been in custody since 10.11.2023; the parties were living together;



the charge-sheet already stands filed; and the complaints of threat were not even investigated by the IO, in my view, the applicant deserves to be released on bail.

7. Accordingly, it is directed that the Applicant be released on Bail in FIR No. 0643/2023 registered at Police Station: Moti Nagar, West, Delhi on furnishing a personal bond in the sum of Rs.25,000/- 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 numbers 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 come in the vicinity of the victim or any of her family members/friends, or try to make any communication, directly or indirectly, with her or try to establish a contact with her.
- v. The Applicant shall not indulge in 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.

8. 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.

9. The application is disposed of in the above terms. The pending application is also disposed of.

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

11. *Dasti.*

NAVIN CHAWLA, J

MAY 8, 2024/rv/RP

Click here to check corrigendum, if any