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

+ **BAIL APPLN. 986/2024**

MOHSIN KHAN

..... Petitioner

Through: Ms. Neha Kapoor, Mr. Ajay Kumar
and Mr. Salim Alvi, Advocates.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with Insp. Puneet Bharti and IO/SI
Nisha Chaudhary, PS Kalindi Kunj.
Complainant/prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

07.05.2024

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1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 054/2024 under Sections 376/506 IPC registered at P.S. Kalindi Kunj.

2. In brief, as per the case of the prosecution, complainant was working as beautician through Urban Clap Company and while working there in 2020, she got acquainted with the petitioner who proposed to marry her. Complainant accepted the proposal of the petitioner/accused, who later on started visiting the complainant at her residence. It is alleged that in the first week of 2020, at around 11:00 - 11:30 pm, petitioner came to the residence of the complainant and after intoxicating her, started touching her inappropriately. Further, physical relations were established by the petitioner with complainant. Physical relations are stated to have subsequently



continued on the basis of alleged threats extended to the complainant by the petitioner of exposing her photographs. Complainant and petitioner further visited Manali on 24.03.2023, since the petitioner assured to marry the complainant, but failed to fulfil the same. Present FIR was registered on the complaint of complainant under Section 156(3) Cr.P.C.

3. Learned counsel for the petitioner submits that the relationship between the petitioner and the complainant was consensual and allegedly the complainant accompanied the petitioner to Manali on her own free will. It is further pointed out that during investigation, mobile phone of the complainant was also handed over to Investigating Officer which clearly reflects in the chats that the complainant was aware about the fact that the petitioner is already married and both of them belonged to different religions. As such there had been no suppression/concealment of facts on behalf of the petitioner in any manner. It is also submitted that the petitioner has duly joined the investigation.

4. Learned APP for the State submits that petitioner has already joined the investigation and the custody of the petitioner is no more required in the present case.

5. Admittedly, petitioner has joined the investigation. It has already been observed by this Court in the order dated 19.03.2024 that the relationship between the petitioner and the complainant continued over a considerable period and the FIR has only been registered in the year 2024. Considering the totality of facts and circumstances, in the event of arrest, petitioner be admitted to bail on furnishing personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of IO/SHO, P.S. concerned and subject to following conditions:



- (i) Petitioner shall join the investigation, as and when directed by IO;
- (ii) Petitioner shall provide his mobile number to the Investigating Officer (IO)/SHO concerned.
- (iii) In case of change of address, petitioner shall intimate/communicate his address to the IO/SHO concerned.
- (iv) Petitioner shall not influence the witnesses in any manner;

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

MAY 7, 2024/akc