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

+ **CRL.M.C. 2505/2024**

ABC

.....Petitioner

Through: Mr. Mahesh Kumar, Advocate.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Neha PS New Ashok Nagar,
Delhi.

Mr. Sanchit Sehgal and Mr. Nagendra
Singh, Advocates for respondent no.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

02.09.2024

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1. By way of present petition, the petitioner, who is the complainant in FIR No.875/2023 registered under Sections 376/377/506/509 IPC at PS New Ashok Nagar, Delhi, seeks to assail the order dated 22.12.2023 vide which the respondent No.2 was admitted to regular bail.

2. Learned counsel for the petitioner submits that the Sessions Court erred in passing the said order as the prosecutrix has levelled clear and categorical allegations of rape against the respondent No.2. He further contends that the prosecutrix has alleged in her complaint that the respondent no.2 had committed the offence after intoxicating the petitioner and had also clicked her objectionable photographs. The offence was repeated in the year 2023. It is also submitted that at no point of time, the petitioner has refused her medical examination.



3. Learned counsel for the respondent No.2 submits that there is no infirmity with the impugned order and contends that as per the allegations levelled in the FIR, the first incident had occurred in November, 2018 in respect of which no complaint was ever made and furthermore, as per the petitioner, the second incident had occurred on 24.05.2023 whereas the present FIR came to be lodged after a delay of about seven months on 14.12.2023. He further submits that both the parties were known to each other and in fact after 24.05.2023, the petitioner had even uploaded joint photographs with the respondent No.2 on her Instagram account with the caption '*my cute husband ji*'. He submits that the lodging of the instant FIR was not only delayed but also malafide. He further submits that though the petition is accompanied by USG reports of the petitioner however no such document was placed on record along with the charge-sheet.

4. Learned APP for the State submits that the charge-sheet stands filed and during investigation, records from the hotel where the second incident is alleged to have taken place have been collected and the entry register finds the name of both the persons. He further submits that as per the MLC, it is therein noted that the petitioner had refused her medical examination.

5. I have heard learned counsel for the parties and perused the record.

6. As per the records, the prosecutrix was about 27 years old while the respondent no.2 was aged 29 years at the relevant time. In the FIR it has been claimed that the respondent No.2 had refused to marry the petitioner. Even the order granting bail takes into account the reply filed by the SHO wherein the aforesaid factum has been mentioned. The parties have been known to each other since the year 2014. The first incident is stated to have occurred in November, 2018 and the second incident stated to have occurred



on 24.05.2023. During investigation hotel records have been seized indicating entry of both the persons.

7. Considering the maturity of the parties, and the factum of there being allegation of breach of promise to marry, the delay in the registration of the FIR, and the name of both the parties being found in the hotel register, the Trial Court did not commit any error in admitting the respondent No.2 to bail.

8. In view of the above, I find no ground to interfere with the impugned order. The petition is accordingly dismissed.

MANOJ KUMAR OHRI, J

SEPTEMBER 2, 2024/rd