



\$~4

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

+ **BAIL APPLN. 1251/2024 & CRL.M.A. 20965/2024**

BEBY DEVI

.....Petitioner

Through: **Mr. Vikas Sharma and Ms. Manvi
Rajvanshy, Advs.**

versus

STATE OF GOVT. OF NCT OF DELHI

.....Respondent

Through: **Mr. Hitesh Vali, APP for the State
with Insp. Imteyar Alam, PS Bawana.
Ms. Tara Narula and Mr. Anirudh
Ramanathan, Advocates (DHCLSC)
for Prosecutrix.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
21.08.2024

%

1. This petition has been filed seeking anticipatory bail in FIR No.975/2023 under Section 376 IPC and Section 6 POCSO Act, PS Bawana. Since then, the investigation has been completed *qua* the co-accused Pawan.
2. As per the case of the prosecution, the prosecutrix had levelled allegations against Pawan, husband of maternal uncle's daughter stating she was acquainted with him and used to call him, and that he made physical relations with her on 08th July, 2023, took objectionable photographs, threatened to make it viral, and did so subsequently when the photographs reached acquaintances and family members. She was duly scolded by her parents and consequently she had a fight with her family and left home.



3. As per her statement, she was asked by Shambhu @ Ajay to stay at one of his acquaintances in Kirari, Suleman Nagar. She further alleged that Shambhu @ Ajay and the wife Beby Devi took her to Nangloi, in the name of marriage, when she was confined during that time. Charge-sheet has been filed.
4. As per the ossification test of the prosecutrix, she was found to be more than 18 years of age. Charges were framed against Pawan under Section 376 IPC and Section 6 POCSO Act and Section 66E of the IT Act. The said Pawan has already been enlarged on bail by the Trial Court by order dated 09th August, 2024. As regards Ajay @ Shambhu, charges under Sections 323/344/366A/34 IPC have been framed.
5. As regards petitioner Beby Devi, NBWs were obtained and process under Section 82 Cr.P.C. was initiated. The Court by order dated 24th April, 2024 granted interim protection to the petitioner Beby Devi. Subsequently, the proceedings under Section 82 Cr.P.C. were stayed by the Trial Court *vide* order dated 04th June, 2024. The petitioner has since joined the investigation.
6. The APP for the State states on instructions of the IO that the supplementary charge-sheet is in the process of being filed against the petitioner.
7. The complainant is also present through her counsel. The Trial Court has recorded that per submissions made by the victim during submissions of bail, *prima facie* there is consensual relationship between the victim and the accused Pawan and the victim has not opposed the bail and requested for grant of bail to the accused Pawan. Though, the complainant appears through her counsel, and opposes the grant of bail, before this Court.



8. However, considering the totality of circumstances, also keeping in view these statements by the victim, and that the investigation is complete and the custodial interrogation is not required, and the main accused Pawan against whom charges under Section 376 IPC and Section 6 POCSO Act have been framed is already on bail, in the opinion of this Court, the petition be allowed.

9. In light of the above, the Court is of the considered opinion that the petitioner is entitled to anticipatory bail. Consequently, in the event of arrest the petitioner be released on bail on furnishing a personal bond in the sum of Rs. 25, 000/- with one surety of the like amount subject to the satisfaction of the arresting officer/IO/SHO concerned, further subject to the condition that the petitioner will join investigation as and when directed and not influence any witness/complainant/victim or tamper with evidence of the case, and that petitioner will not visit or venture anywhere in the vicinity of the victim, victim's house and the victim's family members.

10. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

11. Order be given *dasti*.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 21, 2024/MK