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

+ **BAIL APPLN. 1453/2024 & CRL.M.A. 12689/2024**

CHETAN

.....Petitioner

Through: Mr. Rohit Yadav, Mr. Vikasa Nain,
Mr. Ravinder, Mr. Deepak Swami,
Ms. Kaveri Chauhan, Mr. Ashish
Vyas and Mr. Rahul Yadav,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with Mr. Kamal Kishore Sharma, Ms.
Garima Khetal, Mr. Abhinav Sharma,
Mr. Vijay Kumar, Mr. Nikhil Tyagi,
Mr. Gaurav Dua, Mr. Gaurav Gupta,
Advocates.
Mr. Abhishek Rai and Mr. Shahrukh
Khan, Advocates for Respondent No.
2.
SI Nisha Sharma, PS Govindpuri

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.09.2024

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1. The Petitioner has approached this Court for grant of bail in the event of arrest in FIR No.158/2024 dated 10.03.2024, registered at Police Station Govind Puri for offences punishable under Sections 376D/365/34 IPC.
2. Material on record indicates that the present FIR was registered at the instance of Respondent No.2/Prosecutrix. A complaint was given by the Prosecutrix against her husband Amit Pawar and three other persons,

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namely, Bhagat Singh, Chakshu Badera and Chetan. The gist of the complaint is that the Prosecutrix was residing with her parents and she was suffering from some ailments in legs. It is stated that the accused Amit Pawar informed that he would be able to treat the Prosecutrix. It is stated that parents of the Prosecutrix permitted the accused Amit Pawar to give some kind of treatment to the Prosecutrix. It is stated that on 16.11.2023, Amit Pawar under the garb of treatment took the Prosecutrix in a car wherein the other co-accused persons, namely, Bhagat Singh and Chakshu Badera were also present. It is stated that the Prosecutrix was forced to marry Amit Pawar and, thereafter, she was raped by Amit Pawar and his friends Bhagat Singh and Chakshu Badera. It is stated that the Prosecutrix was always warned that her objectionable photographs are with all of them and that they would make it viral. On the said Complaint, the present FIR was registered.

3. The role assigned to the Petitioner herein was that he used to give information to the accused persons regarding the moment in the house of the Prosecutrix, thereby forewarning the accused persons of the steps taken by the family of the Prosecutrix. The chargesheet has been filed and as far as the Petitioner herein is concerned, the case is listed before the Trial Court for committal on 09.09.2024.

4. Learned Counsel appearing for the Petitioner states that the investigation is complete. He states that the Petitioner was not a participant in the commission of main crime and was only an informant and used to pass on information to the accused persons regarding the position in the house of the Prosecutrix. He, therefore, states that no purpose would be served in arresting the Petitioner and the Petitioner should be granted



anticipatory bail.

5. *Per contra*, learned APP appearing for the State and the Respondent No.2/Prosecutrix oppose the bail application of the Petitioner by contending that the Petitioner ought to have informed the police regarding the fact that the girl is missing and he has in fact shielded the accused persons.

6. Heard learned Counsel appearing for the Parties and perused the material on record.

7. The Prosecutrix herein is a major. As per the complaint, initially the Prosecutrix went on her own accord with the accused persons. What transpired thereafter is a matter against the three accused persons i.e., Amit Pawar, Bhagat Singh and Chakshu Badera and not the Petitioner. The Petitioner herein has been roped only for passing on information to the said three accused persons. Undoubtedly, the offence committed by the said three accused persons is a heinous one but the Petitioner herein cannot be said to have any role in the commission of main offence nor can it be said that the Petitioner is an abettor or has aided the accused persons in the commission of offence of rape.

8. Considering the role of the Petitioner in the transaction, this Court is of the opinion that the Petitioner is entitled to bail in the event of arrest. In case the Police wishes to arrest the Petitioner, the Petitioner be released on bail, subject to his furnishing a personal bond of Rs.50,000/- with two sureties of the like amount to the satisfaction of the concerned SHO/Investigating Officer and further subject to the following conditions:

- a) The Memo of Parties indicates that the Petitioner is resident of H.No.713/7, Govindpuri Kalkaji, Delhi – 110019. The Petitioner is directed not to shift his residence.



- b) The Petitioner shall not leave NCT of Delhi without prior permission of the concerned Court.
 - c) The Petitioner is directed to attend all the proceedings before the Trial Court.
 - d) The Petitioner is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
 - e) The Petitioner shall not, directly or indirectly, tamper with evidence or try to influence the witnesses.
 - f) Violation of any of these conditions will result in the cancellation of the bail given to the Petitioner.
9. With these directions, the bail application is disposed of along, with the pending applications, if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 4, 2024

S. Zakir