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

+ **BAIL APPLN. 3116/2021 & CRL.M.(BAIL) 1087/2021**

RAVI

..... Petitioner

Through: Ms. Tanya Agarwal & Ms. Tripathi,
Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Priya, P.S. Bawana.
Mallika Parmar for the
complainant/Prosecutrix (DHCLSC)

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

ORDER
18.03.2024

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1. The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 613/2021 under Sections 376/506 of the IPC, registered at P.S. Bawana.
2. The case of the prosecution is that on 07.08.2021 PCR call *vide* DD No. 40A was received, the caller was saying that there were two boys yesterday, out of whom, she knew one and the other one, whom she did not know, committed rape. On receiving the above said information, officials of P.S Bawana, reached the spot but the caller was not found. It is stated she was contacted and thereafter, she came to the police station and gave a complaint. In her statement, the complainant stated that the present



applicant was her friend on Facebook. On 06.08.2021, he called her on her mobile and asked her to meet him at Auchandi Border. It is stated that she reached Auchandi Border at 1:30 P.M, the present applicant was there with his motorcycle and took her on his motorcycle to Dada Sankla Mandir situated at Village Mungeshwar Delhi where his friend namely Anil @ Tota @ Mona was already present on his scooty. It is stated that after some time, the present applicant left the place saying that that he is going to take some food while the complainant and Anil @ Tota @ Mona stayed there. It is stated that Anil @ Tota @ Mona started to molest her and when she opposed the same, he slapped and threatened to kill her. Thereafter, it is stated that the aforesaid Anil @ Tota @ Mona caught hold of her hand and took her to a field of Sorghum near a tube well and raped her. It is further alleged that after about 2:30 P.M, Anil @ Tota @ Mona took her to his room and made forcible relations again. It is stated that after that, Anil @ Tota @ Mona took her mobile phone and dropped her to Lampur Road by his scooty. It is alleged that she was threatened by Anil @ Tota @ Mona to not disclose the incident to anyone. It is alleged that on 07.08.2021, since she could not bear the incident, she made the aforesaid call.

3. After registration of FIR, investigation was conducted and the complainant's statement under Section 164 of the Cr.P.C. was recorded on 13.08.2021, wherein she made allegations against the present applicant.

4. Learned counsel for the applicant submits that admittedly, the name of the present applicant was not taken by the complainant at the first instance with regard to any allegations. However, in her statement under Section 164 of the Cr.P.C., she made the allegations against him.

5. It is further stated that in pursuance of the interim protection granted



by this Court *vide* order dated 22.09.2021, the applicant has joined investigation as and when called by the Investigating Officer, investigation is complete, chargesheet has been filed and the matter is fixed for prosecution evidence before the learned Trial Court.

6. Learned APP for the State, assisted by the learned counsel for the complaint confirms the fact that the chargesheet stands filed and matter is now fixed for prosecution evidence.

7. In totality of the facts and circumstances of the case, the present application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing personal bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the Trial Court/Link Court/Arresting Officer, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.
- v. The applicant will not try to influence the witnesses in any manner.
- vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.



8. The application is allowed and disposed of accordingly.
9. Pending applications, if any, also stand disposed of.
10. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
11. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

MARCH 18, 2024/nk