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

+ **BAIL APPLN. 1604/2024**

SHAHNE ALAM

.....Petitioner

Through: Mr. Karan Babuta, Adv.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for
State.Mr. Pawan Kripa, Mr. Shankar
Bhargav, Advs. with victim (VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

21.11.2024

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The hearing has been conducted through hybrid mode (physical and Virtual hearing).

1. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the applicant/accused namely Alam S/o Sh. Jarif Ahmad for grant of regular bail in case FIR No. 998/2023 under Section 365/342/376/506/34 IPC registered at PS Paschim Vihar West, Delhi.
2. Learned counsel for the petitioner submits that in fact it was a case of consensual relationship. Learned counsel submits that the petitioner who is around 20 years of age has falsely been implicated by the prosecutrix later on, under some pressure. It has further been submitted that there are contradictions in the testimony of the prosecutrix recorded by the police and the statement recorded under Section 164



Cr.P.C. Learned counsel submits that the charge-sheet has already been filed and the trial may take long time and therefore, the petitioner may be granted bail.

3. Learned APP for State has opposed the bail application on the ground that the prosecutrix has specifically stated in her statement that she was taken by the accused to the house of one Ms.Preeti and stayed there over night where petitioner raped her. Learned APP submits that the prosecutrix is yet to be examined and therefore the petitioner may not be admitted to bail.
4. Learned counsel for the complainant has also opposed the bail application on the ground that the investigation has not been conducted properly. It has been submitted that the Investigation Officer has concealed material facts and if the petitioner is released on bail, he may threaten the victim.
5. I have considered the submissions. The petitioner has placed on record certain documents including photographs, hotel entries and register of hotel to show that they were in relationship with each other. The attention has also been invited to the MLC No. 190A/2023 where the doctor had recorded on the statement of the victim that the victim knew the petitioner since September 2022 and was in a relationship with petitioner. The charge-sheet has also been filed and the trial may take a long time. The petitioner is in custody for last more than one year. The petitioner is a young boy of around 20 years of age. There are no other criminal antecedents.
6. In view of the facts and circumstances, the petitioner is admitted to regular bail on furnishing a personal bond in the sum of Rs. 20,000/-



with one surety of the like amount to the satisfaction of concerned learned Trial Court, subject to the following conditions:

- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case if required;
- b) the Petitioner shall attend the trial regularly as and when directed by the learned Trial Court.
- c) the Petitioner shall under no circumstances leave India without prior permission of the Court concerned;
- d) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- e) the Petitioner shall provide his mobile number(s) and residential address to the Investigating Officer;
- f) In case of change of residential address and/or mobile number, the Petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

7. In view of the above, the bail application stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 21, 2024/AR/KR..