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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2653/2023 & CRL.M.A. 4239/2024

PIYUSH PRIYE

..... Petitioner

Through: Mr. Kanhaiya Singhal, Ms. Vani
Singhal, Mr. Ujwal, Mr. Teeksh
Singhal, Mr. Prasanna, Mr. Ajay
Kumar, Mr. Udit Bakshi, Mr. Anmol
Chpra and Ms. Deepali P., Advocates.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State.
SI Prashant Malik, PS Mayur Vihar.
Ms. Astha (DHCLSC), Advocate for
the prosecutrix.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.04.2024

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1. The present application under Section 439 of the CrPC seeks regular bail in FIR No. 179/2019, under Sections 376/328170/420/419/465/468/474 of the IPC, registered at PS Mayur Vihar PH-I.
2. The case of the prosecution as per the status report dated 24.09.2023 authored by Insp. Narendra Singh Chauhan, SHO, Mayur Vihar, Delhi is under:

“1. Most Humbly, it is submitted that present case was registered in P.S Mayur Vihar, Delhi on the complaint of SB D/O DB on 04.06.19. Complainant alleged that few days earlier, she made her ID on Shaadi.com, where she met accused Piyush Priye. On 17.05.2019, Piyush priye introduced himself as Asst. Commissioner Narcotics (Anti-Drug Squad) and persuaded her to marry introducing himself as never married. On 18/05/19 accused Piyush Priye sent photo of his ID of Asst. Commissioner on WhatsApp and deleted the same when she saw her. On 19/05/19, she



met him for the very first time at Mayur Vihar Extension metro station, on 20/05/19, he again met her and proposed the complainant for marriage and put vermilion in parting portion of hair in her head.

2. Thereafter, the complainant showed her rented room to accused Piyush Priye. When accused Piyush Priye visited complainant's room, her friend [REDACTED] was present there and accused showed his ID of Asstt. Commissioner to her friend [REDACTED] also. On 21/05/19, accused Piyush Priye insisted complainant to visit her place and upon his insistence the complainant allowed him to come at her room, accused Piyush brought Cold drink and chips with him and offered cold drink to the complainant. After consuming the same, the complainant felt semi unconscious and accused Piyush established sexual relations with the complainant. When the complainant got conscious, upon asking why he did that to her? On this accused Piyush stated that it was alright as he would marry her only.

3. Thereafter, on 23/05/19, on the false pretext of marriage, accused Piyush again made sexual relations with her in a hotel in Noida (U.P.) and further, refused to marry her.

4. A case under 376/328 IPC was registered against Piyush Priye on her complaint. Medical Examination of prosecutrix was got conducted at Lal Bahadur Shastri, Hospital, Khichripur, Delhi.

5. Thereafter, on 06.06.20 19, statement U/S 164 Cr.P.C. of the prosecutrix was got recorded in the Hon'ble Court and she supported her complaint of FIR in her statement U/S 164 CrPC.

6. Thereafter, on 12.06.2019, on the basis of location of mobile phone of accused Piyush Priye, he was arrested in the present case from Hazrat Nijamuddin Railway Station, whose name and address after enquiry was found as Piyush Priye S/O Sh. Alok Kumar Mishra R/O Village- Sabhour, District- Bhagalpur, Bihar Age- 27 Years.

7. Further, on the basis of CDR of mobile phone of accused Piyush Priye, his location during night time would come at New Ashok Nagar, Delhi but he didn't disclose his address. Further on interrogation, he disclosed his present address as: C-2/27, New Ashok Nagar, Delhi.

8. Thereafter, on 12.06.19, Accused Piyush Priye, mentioned above, was produced before the Hon'ble court and he was taken on 02 days P.C. remand. The address H.No. C-2/27, New Ashok Nagar, Delhi was found to be false and further, he disclosed his present address as: H. No. C-2/21, Fourth Floor, New Ashok Nagar, Delhi where he is living with his wife Anita.

9. During interrogation it was revealed that he is a married man. Several fake documents were recovered from his place establishing his fake identity as Asstt. Commissioner, Narcotics, Anti-Drug Squad, Delhi. Some of these



are as follows:

- An I Card of Piyush Priye, Asstt. Commissioner, Ministry of Finance, Govt of India.
- Letter head of Piyush Priye, IRS, Asstt. Commissioner, Narcotics, Anti Drug Squad, Narcotics Control Bureau, Delhi
- Three Rubber stamps seal of Asst. Commissioner Narcotics Anti Drug Squad Delhi, Addl. Commissioner Narcotics (P&V) Anti Drug Squad Delhi & NARCOTICS CONTROL BUREAU INDIA.
- Three coloured copies of Aadhar Card having three different surnames namely SINGH, MISHRA, & SHRIVASTAVA of his father.
- A copy of Wedding Card to be solemnised between Piyush Priye and another lady on 21.06.19 at Deoghar, Jharkhand.
- An agreement of marriage between Piyush Priye and one Sarika Gaur.

10. Thereafter, at the instance of accused Piyush, his I-10 Hyundai car was recovered from the workshop of Hyundai at Noida (U.P.). He was using this car having registration number DL2CAY-0160 with the sticker GOVT. OF INDIA.

11. During the course of investigation, sections 170/419/420/465/468/471 IPC were added in this case. After completion of the investigation, chargesheet against accused Piyush Priye has been filed before the Hon'ble court. The case is at the stage of prosecution evidence.”

3. Learned counsel for the applicant submits that the relationship between the latter and complainant was mutual in nature and the applicant has not made sexual relations with complainant on the false pretext of marrying her. He further submits that since the very inception of their relationship the applicant was willing to marry the complainant and the same is also reflected from the statement of the complainant/prosecutrix recorded before the learned Trial Court.

4. It is the case of the applicant that the complainant was aware of the fact that the applicant was not holding the post of ACP, Narcotics, Drug Control Bureau as she has stated in her cross-examination that the applicant was working as Area Sales Manager in a Mill however, she was not aware



of the exact location of the office. Learned counsel further submits that as per profile of the applicant on *Shaadi.com*, as retrieved by the Investigating Officer, it is evident that the applicant has not represented himself as the ACP, Narcotics, Drug Control Bureau to the complainant. It is the case of the applicant that the latter has not administered any intoxicating substance in the drink of the applicant as she herself had come along with the applicant and had consumed the entire drink by herself. In view of the same, it is argued that the sexual relation between the applicant and complainant was consensual in nature and without any force or undue influence on the part of the applicant.

5. Learned counsel appearing on behalf of applicant further submits that screenshots from the phone as relied upon by the prosecution with regard to the applicant's profile at *Shaadi.com* by the prosecution was never sent to FSL. It is further submitted that friend 'R' who has been named by the complainant has not been cited as witness by the prosecution. It is further submitted that so far as the allegation of the prosecution is concerned with regard to the address of the applicant it is stated that he has been released on interim bail on two occasions and had surrendered without misusing the liberty granted to him. Learned counsel appearing on behalf of the applicant submits that the latter's mother is a Government servant and is willing to stand surety for him if he is granted bail. It is further submitted that the complainant has been examined before the learned Trial Court.

6. Learned counsel appearing on behalf of the applicant further submits that the case of the prosecution is that he was already married to one Ms. Anita Kumari. However, it is pointed out that the said person has already filed an affidavit before the learned Trial Court stating that she was never



married with the applicant and that they were residing in the same building.

7. Learned counsel for the applicant further submits the latter was arrested on 12.06.2019 and has been in judicial custody since then and is willing to abide by any condition which may be imposed by this Court on him.

8. Learned APP for the State, assisted by learned counsel appearing on behalf of the complainant, submits that the allegations made against the applicant are serious in nature as he has represented himself as ACP, Narcotics, Drug Control Bureau. He further submits that the applicant had developed sexual relations with the complainant on the false pretext of marrying her as he had already been married to some other girl.

9. He further submits that during the course of the investigation various forged/fake documents have been recovered from the applicant including a wedding card of the applicant with some other girl, an identity of card wherein he has been shown as Asstt. Commissioner, Ministry of Finance etc. Learned counsel appearing on behalf of the complainant submits that the statement of the complainant in her cross-examination has been misinterpreted. It is submitted that in her statement during her cross-examination, the complainant has stated that she came to know about the applicant's real profession only on the Google search of his mobile number.

10. Heard learned counsel for the parties and perused the record.

11. The case of the prosecution is that the complainant started a conversation with the present applicant on the basis of his profile created at *Shaadi.com*, wherein he allegedly misrepresented himself as Assistant Commissioner Narcotics (Anti Drug Squad). It is also the case of the prosecution that the present applicant, during the course of their relationship,



had been representing himself as ACP Narcotics through his conduct at public places. The prosecution relies upon a screenshot of the profile of applicant from *Shaadi.com* provided by the complainant to the Investigating Officer which, admittedly, was not sent for any forensic examination. The profile, placed alongwith chargesheet, dated 06.06.2019 shows him to be an employee with a private company. It is the case of the prosecution that the said profile was changed on 06.06.2019 after the registration of the FIR on 04.06.2019. It is also the case of the prosecution that the applicant had shown forged Identity Card (ID) to various public officials, however, they have not been cited as witness in the present chargesheet. On a pointed query from the Investigating Officer, it was submitted that the forged documents including the IDs recovered from the present applicant have not been used anywhere else. It has also come on record during the examination of the complainant that even after the incident on 21.05.2019, she had met the applicant on 22.05.2019 alongwith her friend and thereafter, again on 23.05.2019. It has also come on record that the applicant had spent a night at the complainant's place on 22.05.2019. Further, it has come on record during her examination-in-chief that the complainant had spoken with the mother of the applicant on a conference call. It is further stated that despite knowing her status of earlier divorce, the applicant's mother had no objection to the applicant marrying her. It is further stated in the cross-examination of the complainant that the applicant was always saying, even till the date of filing of the complaint, that he wants to marry the complainant.

12. Nominal roll dated 26.03.2024 reflects that the applicant has been in judicial custody for a period of 3 years 11 months and 9 days till 23.03.2024.



It is further reflected that the applicant was released on interim bail on two occasions, i.e., from 27.06.2020 to 13.03.2021 and from 04.05.2021 to 18.06.2021. The complainant has already been examined before the Trial Court and out of 20 public witnesses cited by the prosecution 14 have already been examined.

13. In totality of the facts and circumstances of the case, the present application is allowed. The applicant is directed to be released on bail, on his furnishing a personal bond of Rs. 50,000/- with two sureties of like amount, one of whom shall be the mother of the applicant, as stated by the learned counsel for the applicant, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave India 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 is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
- vi. The applicant shall report at the concerned police station before the Investigating Officer once in a week, i.e., on every Tuesday at 04:00 PM and the concerned Officer is directed to release him by 05:00 PM after recording his presence and completion



of all the necessary formalities.

14. The application is allowed and disposed of accordingly.
15. Pending applications, if any, also stand disposed of.
16. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
17. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
18. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

APRIL 22, 2024/sn

Click here to check corrigendum, if any