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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1912/2024

MOHD RAJA

.....Petitioner

Through: Mr.Towseef Ahmed Dar and
Mr.Naeem Ilyas, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr.Mukesh Kumar, APP for the State
with Mr.Karandeep Singh, Advocate
alongwith SI Savita Solanki, P.S.-
Punjabi Bagh

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.11.2024

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1. The instant application under Section 439 read with Section 482 of Code of Criminal Procedure, 1973 has been filed on behalf of the applicant seeking regular bail in case FIR No. 0837/2023 registered at Police Station Punjabi Bagh, West Delhi, Delhi, for offences punishable under Sections 376(2)(n)/506/509 of the Indian Penal Code, 1860.
2. Briefly stated, the facts of the prosecution are that the aforementioned FIR was registered based on the complainant's statement, wherein she stated that she got in touch with the applicant in the year 2017. She further stated that one day, the applicant proposed to her, to which she agreed. It was alleged that in the year 2018, the applicant took the complainant to a hotel in Mahipalpur, where he made physical relations with her under the pretext of marriage. It was alleged that the



applicant kept promising her marriage and continued having physical relations with her in different hotels. It was further alleged that the applicant kept ignoring the issue of marriage whenever asked by the complainant. It was alleged that on 10.08.2023, the complainant went to the applicant's house unannounced, where she found that the applicant had been married for 10 years.

3. The complainant is present before this Court today.
4. In response to a specific query made by this Court, she stated that she was in a relationship with the applicant for around 6-7 years, during which she was misled by the applicant, who claimed to be unmarried, although he was actually married. She further stated that she had financial transactions with the applicant, having given him money, and after the incident, she asked him to return her money. It was also stated that when they were in a live-in relationship, they shared the expenses.
5. The learned counsel appearing on behalf of the applicant submitted that the relationship between the applicant and the complainant was consensual, as they are both adults. It was submitted that there is not even an allegation of forcible sex. It was further submitted that the complainant did not go for a medical examination.
6. I have considered the submissions made by the learned counsel for both parties. The nominal roll indicates that the applicant has been in custody since 25.11.2023. It is undisputed that the complainant was an adult and was in a relationship with the applicant for the last 7-8 years. It is also a matter of record that on 10.08.2023, the complainant came to know that the applicant was already married, and the present



FIR was registered on 24.11.2023. Detention during the trial cannot be converted into punitive detention.

7. Taking into account the facts and circumstances, the applicant is admitted to bail upon furnishing a personal bond in the sum of Rs.15,000/- with one surety of like amount to the satisfaction of the concerned learned Trial Court, subject to the verification of his address, and also subject to the following further conditions:

- a) the Petitioner shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
- b) the Petitioner shall under no circumstances leave the country without prior permission of the Court concerned;
- c) the Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- d) the Petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;
- e) 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.

8. With the above directions, the application is disposed of.

9. A copy of this order be sent to concerned Jail Superintendent for compliance.

DINESH KUMAR SHARMA, J

NOVEMBER 14, 2024/Dy/na..