



2024:DHC:7307



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 09th September, 2024IN THE MATTER OF:+ **BAIL APPLN. 2306/2024****PRABHJOT SINGH ANAND ALIAS HAPPY**PetitionerThrough: **Mr. C.L. Gupta, Mr. Vaibhav Gupta,**
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP for**
the State.**Mr. Abhishek, Advocate for the**
Prosecutrix.**W/SI Koyal, D-5254, PS Ranhola****CORAM:****HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD****JUDGMENT (ORAL)**

1. Petitioner has approached this Court seeking bail in the event of arrest in FIR No.335/2024, dated 04.05.2024, registered at Police Station Ranhola, for offences under Sections 376/323 IPC.
2. The present FIR was registered on the complaint of the Prosecutrix who stated that she and her husband took the premises, being Plot No. 4, Raksha Enclave, Main Nala Road, Near National Flag, Budh Vatika, Ranhola, Delhi, on rent from the Petitioner herein, who is the owner of the said premises. It is stated that on 28.01.2024, at about 09:30 PM, when the husband of the Prosecutrix was not home, the Petitioner herein came there in an inebriated state, i.e. after consuming alcohol, and misbehaved with her



2024:DHC:7307



and touched her inappropriately. It is stated that when the Prosecutrix protested, the Petitioner herein threatened her with dire consequences and he stated that he would get the husband and the children of the Prosecutrix killed. It is stated that pursuant to that incident, the Petitioner herein once again came to the house of the Prosecutrix on 20.03.2024 between 08-10 PM and committed the offence of rape on her. It is stated that when the Prosecutrix protested, the Petitioner herein beat her and threatened her that he will viral her video and get her family killed. It is stated that at that point of time the Prosecutrix was four months pregnant and fearing the society she kept mum and did not share about the incident with anyone. It is also stated that the Prosecutrix had a four years old daughter and a two years old son. It is stated that between 26.03.2024 and 16.07.2024 the Petitioner herein raped the Prosecutrix on multiple occasions. It is further stated that on 16.04.2024 at about 11:43 AM the Petitioner herein knocked on the door of the Prosecutrix. It is stated that between 17.04.2024 and 19.04.2024, the Petitioner herein once again raped the Prosecutrix multiple times. It is further stated that since the husband of the Prosecutrix was home between 20.04.2024 to 22.04.2024, the Petitioner herein did not come the house of the Prosecutrix. It is stated that on 23.04.2024, the Petitioner herein threatened the Prosecutrix and also threatened the mother of the Prosecutrix. It is stated that on 25.04.2024, the Petitioner herein entered the house of the Prosecutrix by breaking the glass window and raped her. It is stated that when the husband of the Prosecutrix returned home and asked about the broken glass, the Prosecutrix narrated her ordeal and the present FIR got registered.

3. It is stated that the Petitioner filed an application before the learned



2024:DHC:7307



Additional Sessions Judge, Tis Hazari Courts, seeking bail in the event of arrest, but the said application was rejected vide Order dated 15.05.2024.

4. Thereafter, the Petitioner has approached this Court by filing the present Petition.

5. Notice in the present Petition was issued on 08.07.2024 and this Court gave protection to the Petitioner till the next date of hearing. This Court also issued notice to the Prosecutrix and the matter was adjourned to 08.08.2024. On 08.08.2024, Mr. Abhishek, learned Counsel, entered appearance on behalf of the Prosecutrix and stated that he will file his vakalatnama during the course of the day and he also sought some time to file a reply. One week's time was granted to the learned Counsel for the Prosecutrix to file a reply and the matter was adjourned to today. Today, learned Counsel appearing for the Prosecutrix states that he does not wish to file a reply and will argue the matter.

6. It is stated by the learned Counsel for the Petitioner that the present case is one of a landlord-tenant dispute and the Prosecutrix and her husband are trying to give it a colour of an offence of rape. It is stated by the learned Counsel for the Petitioner that the Petitioner had given the premises in question on rent to the mother of the Prosecutrix at a monthly rent of Rs.10,000/-. He states that the mother of the Prosecutrix inducted the Prosecutrix and her husband. He submits that on 26.04.2024, when the Petitioner herein visited the premises in question and asked the Prosecutrix and her husband to vacate the premises in question, they beat him and threatened him to implicate in a false case. He states that a Non-cognizable Report, being NCR No. 0041/2024, dated 28.04.2024, was registered by the Petitioner for offences under Sections 323/506/34 IPC against the



2024:DHC:7307



Prosecutrix and her husband at Police Station Ranhola. He further states that a legal notice dated 01.05.2024 was sent by the Petitioner herein to the Prosecutrix and her husband asking them to vacate the tenanted premises.

7. It is stated by the learned Counsel for the Prosecutrix that the Prosecutrix had given a complaint to the DCP on 27.04.2024 regarding the harassment being meted out by the Petitioner herein on her. He further states that the husband of the Prosecutrix has already paid 11 months advance rent to the Petitioner herein and, therefore, it cannot be said that no rent was being paid by the Prosecutrix and her husband. He states that the offence committed by the Petitioner herein is heinous and, therefore, the Petitioner be not granted anticipatory bail.

8. Learned APP for the State submits that the Petitioner has joined investigation. He states that the investigation is at an advance stage and the charge-sheet is likely to be filed within one month.

9. Heard the Counsels for the Parties and the learned APP for the State and perused the material on record.

10. Material on record indicates that the Prosecutrix and her husband are the tenants in the premises owned by the Petitioner herein. The incidents, as narrated in the FIR by the Prosecutrix, shows that the Prosecutrix was subjected to harassment by the Petitioner herein since 28.01.2024 and from 20.03.2024 onwards there are multiple and repeated acts of rape on the Prosecutrix by the Petitioner herein. At this juncture, this Court is not going into the correctness or otherwise of the complaint made by the Prosecutrix as it will have adverse effect on both sides.

11. The issue before this Court in the present Petition is as to whether the Petitioner herein is entitled to bail in the event of arrest the present case or



2024:DHC:7307



not.

12. At this juncture, it is pertinent to mention that nothing has been provided to this Court to show that the Prosecutrix and her husband have paid 11 months advance rent to the Petitioner herein. On instructions, it has been submitted by the learned Counsel for the Prosecutrix that the husband of the Prosecutrix has paid 11 months advance rent to the Petitioner in cash. This fact has been denied by the learned Counsel for the Petitioner. On the contrary, learned Counsel for the Petitioner has taken this Court through legal notice sent by the Petitioner herein to the Prosecutrix and her husband demanding rent. The fact that the Petitioner has given a legal notice to the Prosecutrix and her husband on 01.05.2024 and the instant FIR was registered on 04.05.2024, the possibility of a landlord-tenant dispute cannot be ruled out at this juncture.

13. In view of the fact that the Petitioner has joined investigation and the investigation is at an advance stage, this Court is of the opinion that stringent conditions can be imposed on the Petitioner to ensure that he does not threaten the Prosecutrix or tamper with evidence.

14. In view of the peculiar facts and circumstances of the present case and especially looking at the fact that the possibility of a landlord-tenant dispute cannot be ruled out and also looking at the fact that the Prosecutrix and her husband continue to live in the tenanted premises, this Court is inclined to grant bail to the Petitioner in the event of arrest on the Petitioner furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties of the like amount to the satisfaction of the SHO/Duty Magistrate and further subject to the following conditions:



2024:DHC:7307



- a) The Memo of Parties indicates that the Petitioner is resident of C-270, Vikas Puri, Delhi - 110018. 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.

15. With these directions, the bail application is disposed of along, with the pending applications, if any

SUBRAMONIUM PRASAD, J

SEPTEMBER 9, 2024

Rahul