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

+ **BAIL APPLN. 2452/2024**

**SURESH KUMAR GUPTA**

.....Petitioner

Through: Mr. Kedar Yadav, Adv.

versus

**STATE OF DELHI**

.....Respondent

Through: Mr. Mukesh Kumar, APP for the  
State with SI Namita PS Sangam  
Vihar

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**18.10.2024**

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1. The present petition has been filed seeking regular bail in case FIR No. 69/2022 registered at PS Sangam Vihar under Sections 498a/406/34. The chargesheet has been filed u/s 376/354/498A/406 IPC.
2. Learned counsel for the petitioner submits that the petitioner, aged 55, has been in custody since 20.01.2023. The complainant is stated to be the petitioner's daughter-in-law, who was married to the petitioner's son, Dheeraj Kumar. Learned counsel during his submissions has pointed out that there is a delay of 22 days in lodging the complaint with the police and has argued that the trial is likely to take some time and the testimony of the prosecutrix has already been recorded. Thus, it has been submitted that the petitioner should be granted bail.
3. Learned APP for the State has opposed the bail application and stated



that the prosecutrix was duly informed by the investigating officer but chose not to appear in Court. The APP highlights that the allegations against the petitioner are serious, as he is accused of committing rape on his daughter-in-law. It is further contended that the petitioner if released on bail, may threaten or intimidate the prosecutrix.

4. The complaint was initially made before the CAW Cell on 24.11.2020, culminating in the registration of the present FIR on 17.01.2022. The complainant has alleged multiple instances of dowry demands, infidelity by her husband, and mental and physical torture. She also alleged that on 02.11.2020, while she was asleep in her room, the petitioner forcibly raped her and threatened to evict her from the house. The prosecutrix has reiterated the allegation of rape in her testimony before the Court.
5. While it is acknowledged that there was a delay of approximately 22 days, the petitioner has already in custody for more than a year since 20.01.2023. Since the prosecutrix has already been examined and trial may take long time, the petitioner is admitted to bail furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and subject to the following further conditions:
  - a) the petitioner shall regularly appear before the IO/trial court as and when directed;
  - b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;



- c) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
  - d) 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.
6. With the above directions, the application is disposed of.
7. A copy of this order be sent to the concerned Jail Superintendent for information and necessary compliance.

**DINESH KUMAR SHARMA, J**

**OCTOBER 18, 2024**

*Pallavi/SM*