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

+ **BAIL APPLN. 3489/2023 & CRL.M.A. 29696/2023**

NEERAJ

.....Petitioner

Through: Appearance not given.

versus

STATE GOVT OF NCT OF DELHI THROUGH SHO...Respondent

Through: Ms. Meenakshi Dahiya, APP for State with Mr. Jatin Raheja, Mr. Nikhil Malhotra, Mr. Pushkar Khatana, Mr. Vishal Tanwar, Mr. Nitin Soni, Mr. Ashok Hooda, Mr. Akash Khatri and Mr. S. Nanda, Advocates with SI Priyanka, PS: Alipur.
Ms. Smritee Relan and Mr. Bhupesh Rana, Advocates for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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02.08.2024

1. An application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0639/2023, under Sections 376/506 IPC, registered at PS: Alipur.
2. In brief, as per the case of prosecution, present FIR was registered on statement of prosecutrix 'S' aged about 40 years, who alleged that in December, 2020, she appointed the petitioner as a tutor to give home tuitions to her children. Petitioner expressed his intentions to marry her and on aforesaid assurance, he established physical relations with prosecutrix against her will. She further alleged that she paid a sum of Rs. 7 lacs to petitioner for completion of his MBA. However, in March, 2021, petitioner



married someone else and after about 08 months of his marriage, he started blackmailing her and threatened to make her photographs viral.

3. Learned counsel for petitioner submits that relations between petitioner and prosecutrix were consensual, as both of them were closely known to each other. He submits that prior to registration of present FIR, prosecutrix had visited the house of petitioner and created a scene, on which a complaint was registered at instance of petitioner under Sections 323/452/506/34 IPC with the police. Present FIR is stated to have been registered as a counter to the aforesaid complaint. He further points out that chargesheet has since been filed after the petitioner had joined investigation pursuant to interim protection granted vide order dated 16.10.2023 by Hon'ble Mr. Justice Saurabh Banerjee.

4. On the other hand, learned APP for the State along with learned counsel for prosecutrix oppose the application. It is urged that relationship was established on pretext of marriage and petitioner also threatened to make the photographs of the prosecutrix viral. Learned APP also informs that the mobile phone of the petitioner has been sent for FSL examination and report in this regard is yet to be received for corroborating the allegations. Petitioner is also stated to have since changed his residence from jurisdiction of P.S. Alipur, Delhi to Sonipat, Haryana.

Learned counsel for prosecutrix further submits that FIR was got registered by the wife of petitioner against prosecutrix after she was invited at residence of petitioner for purpose of amicable settlement of disputes. She further submits that petitioner also wanted to establish physical relations with the daughter of prosecutrix.

5. Admittedly, physical relations between the petitioner and prosecutrix



continued for a period of about 02 years prior to lodging of the FIR. Petitioner who is younger by 10 years to prosecutrix has since joined the investigation and chargesheet has been filed. Allegations regarding blackmailing on the alleged threat of making the photographs of prosecutrix viral are yet to be corroborated, since the report of FSL is awaited.

Considering the totality of facts and circumstances, without expressing any opinion on merits of the case, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (ii) In case of change of address, petitioner shall intimate / communicate his fresh addresses to the IO / SHO concerned as well as learned Trial Court; and
- (iii) Petitioner shall not contact the prosecutrix or influence the witnesses in any manner.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 02, 2024/R