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

+ **BAIL APPLN. 3490/2023**

JAUNI

..... Petitioner

Through: Ms.Sakshi Sachdeva, Advocate.

versus

**THE STATE (GOVT. OF NCT OF
DELHI) AND ANR**

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Jyoti PS Aman Vihar, Delhi.
Ms. Tanya Agarwal, Mr. Kamlesh
Kumar Mishra and Mr. Bibhuti
Bhushan Misra, Advocates for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

15.04.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the petitioner/applicant seeks regular bail in case FIR No. 357/2023 registered under Sections 376/323/506 IPC at Police Station Aman Vihar, Delhi.
2. Learned counsel for the applicant contends that the present FIR came to be lodged on 16.07.2023 while the allegations pertain to the year 2021. It is stated that there is an inordinate delay in registration of the instant FIR and the complainant had herself stated that the relationship between the parties was consensual. She further submits that the prosecutrix has already been examined and the applicant is in judicial custody since 17.07.2023.
3. Learned APP for State, duly assisted by learned counsel for the complainant, has vehemently opposed the bail application. It is contended



that even though the prosecutrix had alleged that the relationship between her and the applicant was initially consensual however, subsequently on account of inappropriate videos taken by the applicant, she was blackmailed and forcible physical relations were established. It is stated that the prosecutrix though has been partially examined, however for want of FSL report, her further examination-in-chief is still pending. Lastly, it is contended that as per the prosecution, the last incident is only a day prior to the registration of the instant FIR.

4. I have heard learned counsel for the parties and perused the record.
5. The prosecutrix is statedly married and was about 38 years of age while the applicant was 36 years at the time of registration of the FIR. The applicant is also stated to be married and residing nearby. Both parties were mature and married, and had entered into consensual relations. It has been stated so not only in the FIR but also in her statement recorded under Section 164 Cr.P.C. Even in her testimony before the Court, the prosecutrix has stated that initially the relationships were made not only in her house but also in hotels with her consent. During the course of the submissions, learned counsel for the applicant has stated that it was the prosecutrix herself who had sent her intimate videos to the applicant. On a specific query, learned APP on instructions from the IO also confirms the some pictures/videos were sent but is unable to specify further. It is also informed that the applicant no longer lives in the vicinity of the house of the prosecutrix. Learned counsel states that the applicant undertakes not to visit the jurisdiction of the concerned police station.
6. Considering the totality of the facts and circumstances and especially the fact that the prosecutrix and the applicant both were married and were



aged about 38 and 36 years at the time of the registration of the FIR and the further fact that she has been examined except on the aspect of FSL report, it is directed that the applicant be released on regular bail subject to him furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/concerned Court/Duty M.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial. He will not enter the area of jurisdiction of PS Aman Vihar, Delhi unless required by the I.O.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.

9. Copy of the order be uploaded on the website forthwith.

10. Needless to state that nothing observed hereinabove amounts to an expression on the merits of the case and shall not have a bearing on the trial



of the case as the same has been expressed only for the purpose of the disposal of the present bail application.

Dasti.

MANOJ KUMAR OHRI, J

APRIL 15, 2024/rd