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

+ **BAIL APPLN. 2590/2024**

SUNIL

.....Petitioner

Through: Mr. (appearance not given),
Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP for State
along with SI Sangeeta P.S. S. B
Dairy with victim 'R'.
Mr. Roshan Lal, Advocate for
complainant with complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.11.2024

1. By way of present application, the applicant seeks regular bail in FIR No. 1069/2023 registered under Sections 376/506 IPC at P.S Shahabad Dairy, Delhi.
2. Learned counsel for the applicant submits that the applicant has been falsely roped in the present case as there were money transactions between the applicant and the prosecutrix/complainant, who were having a live-in relationship with each other. It is further stated that there have been many financial transactions between the parties and that the complainant never protested during the period they were having the said relationship. He further contends that it is only because of non-payment of money that the complainant has levelled false allegations against him. Lastly, it is stated that the relations between the parties were consensual, not only at the home of the complainant but also at various hotels.



3. The bail application has been opposed by learned APP for the State, duly assisted by learned counsel for the complainant and it is contended that the complainant has maintained that though the applicant was on friendly term with the prosecutrix, however, physical relations were forced inasmuch as the incident dated 30.11.2023 is concerned. It is contended that the applicant visited the complainant's home on the said date and gave her *Prasad*, and upon consuming the same, she felt dizzy and after some time, she found her clothes removed. It is also stated that the complainant has reiterated these allegations in her statement recorded under Section 164 Cr.P.C.

4. I have heard learned counsel for the parties and perused the material on record.

5. From a perusal of the FIR as well as the prosecutrix/complainant's statement recorded under Section 164 Cr.P.C, it is apparent that the prosecutrix has stated that the relations were made forcibly and at no point of time has she stated that the relations were consensual. It is further informed that the prosecutrix has delivered a child and on testing the DNA of the child, it was found to be a match with the DNA of the present applicant.

6. Looking into the gravity of the offence and the allegations levelled against the present applicant as well as the fact that the prosecutrix is yet to be examined, I find no ground to entertain the present application.

7. Accordingly, the present bail application is dismissed.

MANOJ KUMAR OHRI, J

NOVEMBER 19, 2024/ssc