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

+ **BAIL APPLN. 2633/2024**

SACHIN KUMAR

.....Petitioner

Through: Mr. Pradeep Kumar Arya, Mr. Sanjeev Deshwal, Mr. Raj Karan Sharma, Mr. Aditya Kumar Yadav, Mr. Prateek Chhikara, Mr. Gaurav Chaudhary, Mr. Arpit Bamal, Mr. Varun Jawla, Mr. Rishabh Malhotra, Mr. Rishabh, Advs.

versus

STATE(GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for State with SI Manita, PS Mangolpuri Ms. Jyoti Gulati with Ms. Isha, Advs. along with the complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.10.2024

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1. The present application has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR no. 0677/2024 registered under Section 376 IPC at PS: Mangol Puri.
2. Learned counsel for the applicant submits that the pursuant to the directions of this Court, the applicant has joined the investigation. Learned counsel submits that the charge-sheet has also been filed.
3. Learned APP for the State has confirmed that the applicant has joined the investigation and the charge-sheet has already been filed.



4. Learned counsel for the complainant submits that the applicant has been threatening the complainant, however, the learned counsel for the applicant has denied the alleged allegations regarding threatening the complainant. Learned APP, on instructions, submits that no complaint has been received from the complainant regarding any threat being extended. Learned counsel for the complainant further submits that the complainant tried to make a complaint to the Investigation Officer (I.O.), however, the I.O. is in collusion with the applicant.
5. In the present case, the charge-sheet has already been filed. In the FIR, the complainant had alleged that she had met the applicant for the first time on 25.05.2023 and thereafter, they kept on meeting each other. The complainant has alleged that the applicant proposed and conveyed his feeling of love. It was further alleged that on 18.07.2023, the applicant came to the complainant's home and assured her that they will live together and thereafter established physical relations with victim. The applicant allegedly made relations with the complainant on several occasions on the false promise of marriage. It has been alleged that on 08.01.2024 also, the applicant established physical relation with the complainant. Thereafter, the FIR was lodged on 09.07.2024. The age of the prosecutrix is 35 years.
6. In *Sushila Aggarwal and others v. State (NCT of Delhi) and another*, (2020) 5 SCC 1, the Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as



leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

7. The Apex Court ruled in *Siddharth v. State of Uttar Pradesh & Others*, (2022) 1 SCC 676, that individual liberty is a crucial component of our constitutional responsibility. An accused person may be arrested while an investigation is underway if a custodial investigation is required, if the offence is severe, or if there is a chance that the accused may flee or influence the witnesses. An arrest does not necessarily have to be made just because it is legal to do so. It is important to distinguish between the existence of the arrest power and the grounds for using it. A person's reputation and self-esteem may suffer irreversible damage if they are arrested on a regular basis. It is not necessary for the investigating officer to make an arrest if there is no reason to suspect that the accused would flee or refuse to comply with the summons and the accused has cooperated with the inquiry throughout.
8. In the facts and circumstances and without making comments on the merits of the case and since the investigation has already been completed, it is directed that the applicant is admitted to bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned IO, subject to the appellant providing his mobile number and address at the time of furnishing the bail bond, and also subject to the following further conditions:



- a. the applicant shall cooperate in the investigation and appear before the Investigating Officer of the case as and when required;
 - b. the applicant shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - c. the applicant shall keep the mobile number(s) provided to the Investigating Officer, operational at all times;
 - d. In case of change of residential address and/or mobile number, the applicant shall intimate the same to the Investigating Officer by way of an affidavit.
9. It is also made clear that if the complainant receives any threat, she should immediately report to the IO/SHO or any other supervisory officer and necessary action be taken against the applicant.
10. With the above directions, the application is disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024

JN/HT..