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

+ **CRL.M.C. 6254/2022**

XYZ

.....Petitioner

Through: None.

versus

THE STATE AND ANR.

.....Respondents

Through: Mr.Naresh Kumar Chahar,
APP for the State with SI
Sandeep Chauhan, PS
Prem Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

17.12.2024

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1. None has been appearing for the petitioner for quite some time.
2. By the present petition, the petitioner had challenged the order dated 01.11.2022 (hereafter '**impugned order**'), passed by the learned Trial Court, whereby Respondent No. 2 was admitted on bail in an application filed by him under Section 438 of the Code of Criminal Procedure, 1973 (**CrPC**).
3. The applicant, at the time of incident, was the daughter in law of Respondent No. 2. The FIR was registered on a complaint given by the petitioner, alleging rape against Respondent No. 2. The petitioner had alleged that Respondent No. 2 had mixed something in the food and on consuming the same, the petitioner became unconscious. On regaining consciousness, she realized that she had been raped.
4. The learned Trial Court noted the arguments on behalf of Respondent No. 2 that there has been delay of 80 days in giving



the complaint as the alleged offence was committed on 28.06.2022, whereas the complaint was filed on 16.09.2022.

5. It was also noted that the petitioner had solemnized second marriage with Respondent No. 2's son without taking divorce from her earlier husband.

6. The learned Trial Court, noting that Respondent No. 2 had joined investigation, granted pre-arrest bail to Respondent No. 2.

7. On being asked, the Investigating Officer informs that Respondent No. 2 has not misused the liberty.

8. The learned Trial Court noted the arguments which weighed with the learned Trial Court to admit Respondent No. 2 on bail.

9. The impugned order, therefore, cannot be said to have been passed without application of mind or on erroneous considerations.

10. Even otherwise, the petitioner does not seem to be interested in pursuing the present petition.

11. The present petition is, therefore, dismissed.

AMIT MAHAJAN, J

DECEMBER 17, 2024

'KD'