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

+ **BAIL APPLN. 2673/2024**

PURAN

.....Petitioner

Through: Mr.Ranbir Singh Kundu, Mr.M.L.
Yadav, Ms.Kirti Aggarwal, Mr.Naveen S. and
Mr.Ashish Tiwari, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Aman Usman, APP for State with
ACP Anil Kumar, ASI Sunita and SI Pardeep
Singh

Mr. Shivam Sachdeva, Amicus Curiae

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.11.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.83/2024 registered under Sections 376/354 IPC at P.S. Mohan Garden, Delhi.

2. Learned counsel for the applicant submits that the applicant is in custody since 09.03.2024 and the prosecutrix, who is aged about 48 years, has alleged that she was separated from her husband and came in contact with the present applicant through social media. It is further submitted that when the applicant informed the prosecutrix about his business of lending money, she asked for a loan of Rs.1.5 lakh. It is submitted that though the prosecutrix has alleged that the incident of rape was committed upon her, however, she has neither handed over her mobile phone nor her clothes to substantiate her oral statements. He further submits that though allegations of SC/ST Act were levelled, no public witness was found. It is next



contended that though the prosecutrix has alleged that she reached the house of the applicant at around 1:00 P.M, and after the incident of rape was committed, she kept on waiting for the applicant to come back with Rs.1.5 lakh but made no immediate complaint. This conduct makes her allegations doubtful.

3. Learned APP for the State, duly assisted by the learned Amicus Curiae, who has been appointed to represent the prosecutrix, has opposed the present bail application. Learned Amicus Curiae has referred to the FIR to submit that the applicant has repeatedly changed his name and thus tried to withhold his identity. He further submits that the FIR was lodged immediately on the same day. Learned APP for the State submits that during the MLC, the body swabs were taken and sent to FSL. The report is still awaited.

4. I have heard learned counsel for the applicant, learned Amicus Curiae as well as the learned APP for the State and have also gone through the material placed on record. The applicant has alleged that she had come to the house of the applicant for the purpose of obtaining a loan of Rs.1.5 lakh. After the incident of rape was committed, she kept waiting for the applicant to come back with the money, which was to be advanced as a loan. The prosecutrix has neither handed over her mobile phone nor the clothes that she was wearing to the I.O. On a specific query to the learned APP as to whether any CDR has been collected, the answer is in the negative.

5. Considering the aforesaid facts and circumstances of the case and the period of custody, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail



Superintendent/ concerned Court/Duty J.M./Link J.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.
 - 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.
6. The bail application is disposed of in the above terms.
 7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.
 8. Copy of the order be uploaded on the website forthwith.
 9. Needless to state that nothing observed hereinabove shall amount 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.

MANOJ KUMAR OHRI, J

NOVEMBER 19, 2024

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