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

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Reserved on:23.01.2024
Pronounced on:14.02.2024

+ **BAIL APPLN. 3886/2023**

MUDASSIR AHMAD

..... Petitioner

Through: Mohd. Sharique Khan, Mr.
Rashid Islam and Mohd. Saqib
Khan, Advocates

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Satish Kumar, APP for the
State with SI Reena, P.S.
Anand Vihar.
Mr. Yogesh Kumar and Mr.
Aftab Fazil, Advocates for
complainant along with
complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of applicant seeking grant of anticipatory bail in case FIR bearing no. 432/2023, registered at Police Station, Anand Vihar, Delhi for the



offences punishable under Sections 376/377/506/34 of the Indian Penal Code, 1860 (*IPC*).

2. Briefly stated, it is the case of the prosecution that a complaint was received from the prosecutrix alleging that she used to work in a hair salon of the present applicant/accused in April, 2017 when he had lured her into a trap and had physical relations with her. It is alleged that the applicant had secretly made a video of the physical relations and had threatened the prosecutrix that in case she will disclose it to anyone, he will post the video on social media and will defame her. Thereafter, on this pretext, it is further alleged the applicant/accused had kept on sexually assaulting the prosecutrix. It is also specifically alleged that the applicant had unnatural sexual relations with her and had threatened to kill her family. The accused had further blackmailed the prosecutrix, the accused had also misused her identity which she had given to him for the purpose of getting a job in the hair salon and had raped her at various hotels in Delhi. It is further specifically alleged that when the prosecutrix was fed up with the repeated blackmailing and rape by the accused, the accused had taken her to a mosque and had forced her to sign *Nikahnama* and many other plain papers and had threatened her that if she goes to the police, she will not be able to get any help as he will escape by proving that he was married to her. It is further alleged that the prosecutrix had narrated the entire incident to her mother and subsequently, family of the prosecutrix had gone to the house of the accused where he had disclosed that he was already married and had divorced her. It is alleged that on 15.08.2023, the present accused had



called her to his house at Parwana Road where his brother had also shown the prosecutrix her obscene videos and had threatened to make it public and had allegedly raped her. It is further alleged that on 23.09.2023, the present accused/applicant had called the prosecutrix to Geeta Colony Police Station and had forced her to submit a complaint or the applicant would make the video public. It is alleged that the prosecutrix was forced to submit some other complaint on her behalf to the police officers. Thereafter, the applicant/accused had sent her to Vasant Vihar along with a lady *Aarti* where he had kept her locked in a room for three days and had forcibly raped the prosecutrix against her will. The prosecutrix had somehow reached her home and had narrated the entire incident to her parents. Thereafter, the present FIR was registered. The prosecutrix was then counselled by NGO and was medically examined after she had lodged the complaint. Her statement was recorded under Section 164 of Cr.P.C.

3. Learned counsel for the applicant states that the allegations against the present applicant/accused are false and that he has been falsely implicated in the present case. It is submitted that the present applicant/accused is the younger brother of co-accused Muzammil Ahmed. It is stated that the complainant used to ask for money from the present accused/applicant and immediately after the marriage between the complainant and the co-accused the complainant had pressurized the present applicant/accused to ask his brother to divorce his first wife. It is vehemently contended that the complainant has named the present applicant/accused out of vengeance and bitterness.



It is further submitted that the applicant/accused is willing to cooperate in the investigation, as and when required. Therefore, the anticipatory bail be granted to the present applicant/accused.

4. Learned APP for the State, on the other hand, argues that allegations against the applicant/accused are of serious and grave in nature. The Learned APP for the State argues that the applicant/accused had threatened the complainant with publishing the obscene video on internet. Therefore, the bail of the applicant/accused be dismissed.

5. This Court has heard arguments addressed by learned counsel for the applicant as well as learned APP for the State and has perused material on record.

6. The allegations against the present accused/applicant are that he is the younger brother of the main accused Muzamil Ahmed and that he had also committed rape upon her a few days prior to 15.08.2023. The present applicant/accused was granted interim protection by this Court, *vide* order 20.11.2023 pursuant to which he has joined investigation and the IO states that he is cooperating with the investigation.

7. Considering the same, the interim bail granted to him is made absolute. In event of arrest the present applicant/accused be released on bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms & conditions:



- i) The applicant will not leave the country without permission of the learned Trial Court and will surrender the passport to the learned Trial Court within seven days.
 - ii) The applicant shall share his mobile number and address with the IO and the Trial Court and will inform them promptly about any changes in the same.
 - iii. The applicant will not threaten, visit, or try to contact the witnesses, the complainant, her relatives, etc. in any manner.
 - iv) The applicant will not use, circulate, or cause to be circulated any inappropriate photographs of the complainant in any manner.
 - v) In case, the applicant will violate any condition of this order, it will be a ground for cancellation of bail.
8. Accordingly, the present application stands disposed of.
9. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression on merits of the case.
10. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRURY 14, 2024/zp