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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3976/2023, CRL.M.A. 32199/2023**

RAGHAV THAKUR

..... Petitioner

Through: Ms. Shama Sinha, Mr. Sumit Sinha,
and Ms. Pooja Singh, Advocates.

versus

**THE STATE OF NCT OF DELHI THROUGH
SHO GULABI BAGH P.S.**

..... Respondent

Through: Mr. Mukesh Kumar, APP with
SI Shashi, PS: Gulabi Bagh.
Mr. Ankit Gupta, Advocate for
Complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

11.03.2024

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1. Petition under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 0283/2023, under Section 376 IPC, registered at P.S.: Gulabi Bagh, Delhi.
2. In brief, as per the case of prosecution, FIR was registered on complaint of prosecutrix 'K', who alleged that on 16.01.2023 she came in contact with petitioner through Bumble App and on 17.01.2023, petitioner insisted to meet her. Both, petitioner and prosecutrix, met at Kamla Nagar and thereafter, petitioner insisted her to visit his house, which was nearby. Prosecutrix accordingly accompanied him to his rented flat, i.e. H. No. 122, Basant Nagar, Pratap Nagar, Delhi, wherein, the petitioner made physical relations with her, without her consent.
3. Learned counsel for the petitioner submits that complaint has been



lodged on 24.10.2023, after a delay of about 09 months and prosecutrix did not undergo any medical examination. It is further pointed out that prosecutrix was aged about 19 years undertaking a course in Delhi University, while the petitioner aged about 20 years at the relevant time, was also pursuing his studies.

4. On the other hand, learned APP for the State assisted by learned counsel for the complainant opposes the application and submits that delay in lodging the FIR has been duly explained by the prosecutrix, since she was under stress and shock. It is further submitted that both, prosecutrix and petitioner, were together at the relevant time and as such, alleged incident of sexual assault cannot be doubted. It is also informed that petitioner has since been medically examined by the prosecution and chargesheet has been filed.

5. I have given considered thought to the contentions raised.

6. Admittedly, the chargesheet has been filed and petitioner is no longer required for investigation. The delay of 09 months in lodging the FIR needs to be suitably explained. Considering the facts and circumstances of the case, in the event of arrest, petitioner be admitted to bail on furnishing personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the learned Trial Court.

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 11, 2024/R