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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4025/2023**

DEVESH YADAV

..... Petitioner

Through: Mr. Ashish Deep Verma, Mr. Anshul
Pratap Singh, Ms. Jeevika Dhyani and
Mr. Vaasav Mittal, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kr. Solanki, Ms. Mansi
Rohilla, Mr. Ravinder Malik,
Advocates for Complainant with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.05.2024

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1. The present application has been filed under Section 438 Cr.PC. seeking anticipatory bail in FIR No. 0372/2023 registered under Sections 376/328/354A/354D/506/509 IPC and Section 6 of the POCSO Act at P.S. Kapashera, Delhi.
2. Learned counsel for the applicant submits that in the present case complainant had lodged the FIR on 12.08.2023 wherein she has stated that relations between the parties were consensual. The FIR was lodged under Sections 354A/354D/506/509 IPC. He submits that during the pendency of the investigation, statement of the prosecutrix under Section 164 Cr.P.C. was recorded wherein, she improved upon her allegations and for the first time, she alleged that their relations were forcible. He further submits that on being granted interim protection, applicant has joined the investigation



and has not misused the said concession.

3. Bail is resisted by learned APP for the State who is assisted by counsel for the complainant who states that in her statement under Section 164 Cr.P.C., the prosecutrix has stated that initially the parties entered into a friendship whereafter applicant has made forcible relations with her. The applicant has also taken objectionable photographs as well as videos of the prosecutrix which he subsequently sent to the prosecutrix in order to blackmail her, resulting in the breakup of her engagement. Lastly, he submits that the investigation is still pending and charge-sheet is yet to be filed.

4. I have heard the learned counsels for the parties and perused the material available on record.

5. The present FIR came to be registered on 12.08.2023 wherein prosecutrix has stated that she came to know the applicant in the year 2015 who was residing in her neighbourhood. The applicant thereafter shifted to Kanpur and in the year 2019 when he came back, they entered into a consensual relationship. The FIR came to be registered after a period of nearly four years wherein no allegations of forcible physical relations was made. The statement under Section 164 Cr.P.C. was also recorded after a considerable time period wherein for the first time it was stated that forcible relations were made.

6. Considering the totality of the fact and circumstances, it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the



following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when, he is asked for.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
- (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- (vi) The applicant shall regularly appear before the trial Court as and when the charge sheet is filed.

7. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MAY 1, 2024

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