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

+ **BAIL APPLN. 2918/2024**

RAJEEV MISHRA

.....Petitioner

Through: Mr. Anand Ashutosh, Mr. Neeraj
Kumar Thakur, Mr. Anurag
Srivastava, Ms. Sanya Sharma, Mr.
Arif Khan, Mr. Ashish Kkumar
Dabas, Advs.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Ms. Priyanka Dalal, APP with SI
Neelam, PS Swaroop Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.11.2024

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1. This is an application filed under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking regular bail in FIR No. 0234/2024 dated 23.04.2024 under section 323/376/506 of IPC registered at PS Swaroop Nagar, New Delhi.
2. The allegations are that the petitioner is the brother-in-law of the complainant/respondent No. 2.
3. It is stated in the FIR that the petitioner in the absence of the husband of the respondent No. 2 established forceful physical relationship by blackmailing respondent No. 2 and consequently the respondent No. 2 conceived.



4. It is stated that the DNA sample and phone of the accused have been sent to the forensic laboratory for analysis.

5. Mr Ashutosh, learned counsel for the petitioner states that the relationship between the petitioner and respondent No. 2 was consensual and both being adults entered into the relationship out of their own free will and choice. The petitioner has been in custody since 25.04.2024 and investigation is over and chargesheet has been filed.

6. Mr. Singh, learned counsel for respondent No. 2 states that there is apprehension that the petitioner will threaten the respondent No. 2 but to my mind that can be taken care of by imposing strict conditions.

7. I am of the view that since the investigation is over and chargesheet has been filed before the trial Court and on the date of the FIR, respondent No. 2 was 25 years old, consenting adults, the petitioner needs to be enlarged on bail.

8. For the said reasons, the petition is allowed with the following directions:

- i. The petitioner shall furnish a personal bond and a surety bond in the sum of Rs. 10,000/- each, to the satisfaction of the I.O. concerned;
- ii. The petitioner shall appear before the Court as and when the matter is taken up for hearing;
- iii. The petitioner shall join investigation as and when called by the I.O. concerned;
- iv. The petitioner shall provide his mobile number to the I.O. concerned, which shall be kept in working condition at all times. The petitioner shall not switch off, or change the same without



- prior intimation to the I.O. concerned, during the period of bail;
- v. In case the petitioner changes his address, he will inform the I.O. concerned and this Court also;
 - vi. The petitioner shall not leave the country during the bail period and surrender his passport, if any, at the time of release before the I.O. concerned;
 - vii. The petitioner shall not indulge in any criminal activity during the bail period;
 - viii. The petitioner shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case.
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 petition.
10. The status report is taken on record.
11. With these directions, the petition is allowed and disposed of.

JASMEET SINGH, J

NOVEMBER 13, 2024/DM

Click here to check corrigendum, if any