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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4268/2023**

CHIRAG GUPTA

..... Petitioner

Through: Mr. Sudarshan Rajan, Mr. Hitain
Bajaj and Mr. Mahesh Kumar,
Advocates.

Versus

THE STATE OF NCT OF DELHI

..... Respondent

Through: Ms. Manjeet Arya, APP for State.
Ms. Aastha, Advocate (DHCLSC) for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

19.01.2024

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1. By way of present application filed under Section 439 read with Section 482 Cr.P.C., the petitioner/applicant seeks regular bail in FIR No. 592/2023 registered under Sections 376/506/34 IPC at Police Station Anand Vihar.
2. Learned counsel for the applicant states that while the applicant is a student aged about 22 years, the complainant is older than him being about 24 years of age. It is submitted that in her complaint, the complainant had admitted to being in a relationship with the applicant for about two years. It is further submitted that though the complainant had alleged that on 30.11.2023 the applicant met the complainant at Key Club, Hotel Samrat, Chanakya Puri, where he inappropriately touched her and made her feel uncomfortable, she had willingly accompanied the applicant to Hotel I.P.



Royal, Anand Vihar where the offence is alleged to have been committed. Learned counsel for the applicant further submits that the complainant is a habitual complainant and in this regard has referred to FIR bearing No.121/2022 that was registered under Section 376 IPC at P.S. Palam Village against one *Mr. Pankaj Rana* by the present complainant. A copy of the said FIR has been placed on record, as per which the complainant had alleged that the accused therein had made physical relations with her on the basis of a promise to marry. A copy of the anticipatory bail granted to the accused therein by the Supreme Court in SLP (Crl.) No. 2544/2022 has also been placed on record.

3. Ms. Manjeet Arya, learned APP for the State, on the other hand, has opposed the bail application. She submits that FSL Report is awaited and that the charge-sheet is likely to be filed within one week. She, on instructions from the I.O., further submits that there has been CDR connectivity between the applicant and complainant for over 1 year.

4. Ms. Aastha, learned counsel nominated on behalf of the Delhi High Court Legal Services Committee to represent the complainant has also opposed the bail application.

5. A Status Report has been placed on record as per which, the applicant was arrested on 01.12.2023 and after 2 days of police custody, he was sent to judicial custody. During the investigation and as per the CCTV footage, it was found that the complainant and applicant had checked into Hotel I.P. Royal almost 10-15 times prior to the incident. It is further stated that as per the CCTV footage, the applicant and complainant were seen dancing at Hotel Samrat. The complainant appears to be mature enough being 24 years of age and older than the applicant who is 22 years of age and stated to be a



student.

6. Considering the aforesaid aspects, the period of custody and the fact that the charge-sheet is likely to be filed, the applicant is directed to be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./Trial Court and subject to the following further conditions:-

- (i) The applicant shall not leave the NCT of Delhi without prior permission of the concerned Court.
- (ii) 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.
- (iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned IO 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.

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

8. Copy of this order be communicated electronically to the concerned Jail Superintendent for information.

9. Copy of this order be also uploaded on the website forthwith.

10. 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 observations are only for the purpose of the disposal of the present application.

Dasti.

MANOJ KUMAR OHRI, J

JANUARY 19, 2024

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