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

+ **BAIL APPLN. 3139/2024, CRL. M.A. 37671/2024**

RAJEEV SINGH

.....Petitioner

Through: Mr. Sanjay Dubey and Mr. Abhigyan,
Advocates.

versus

**STATE REPRESENTED THROUGH SHO KASHMERE GATE
DELHI**

.....Respondent

Through: Ms. Kiran Bairwa, APP for State
along with W/SI Nirma Meena P.S.
Kashmere Gate.
Mr. Rahul Mehalwal, Advocate for
prosecutrix/complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.12.2024

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1. The present petition has been filed seeking regular bail in FIR No.568/2023 registered at P.S. Kashmere Gate for the offences punishable under Sections 376/377/506 IPC.
2. The facts, as mentioned in the status report, indicate that on 02.08.2023, a PCR call was recorded under DD No. 78A, where the caller alleged she was raped approximately two years ago, and the perpetrator had fled. She further stated that police officers at P.S. Kashmere Gate were not recording her complaint. The complainant was medically examined, and on 03.08.2023, she visited the police station and submitted a written complaint.



She alleged that she met the petitioner/accused on 29.12.2020 through an online matrimonial app, Shaadi.com, and that he falsely represented himself as the owner of an NRI Resort in Uttarakhand and a bachelor. The prosecutrix claimed that on 14.01.2021, the accused coerced her into consuming a beverage at gunpoint, disrobed her, and committed sexual acts under threat. She also alleged physical assault and threats of harm if she reported the incidents. Further allegations included financial exploitation amounting to ₹25,39,329 between 2021 and 2023 and another incident of assault on 25.06.2023, where he allegedly forced physical relations and threatened to release obscene videos. The victim stated she endured physical, sexual, and mental harassment from 2021 to 2023.

3. In her statement recorded under Section 164 Cr.P.C., the prosecutrix corroborated her allegations against the said accused. The accused, already in judicial custody for another case, was arrested formally in this matter. The chargesheet was subsequently filed, noting the accused's criminal antecedents, including involvement in FIR No. 440/2023 at P.S. Dwarka North (Sections 376/377/506 IPC) and FIR No. 270/2019 at P.S. Indraprastha Estate (Sections 420/406/120B/34 IPC).

4. Learned Counsel for the petitioner has brought the Court's attention to a significant delay of two years in the FIR's registration, arguing that the victim accompanied the accused to various places willingly. It was also stated that the testimony of the prosecutrix has already been recorded, and no other witness has been examined.

5. The learned APP for the State and the complainant's counsel strongly opposed the bail application, citing the accused's criminal history and similar offenses against other victims. They emphasized the corroborative



statements provided by the prosecutrix and argued against bail.

6. Learned Counsel for Complainant has relied upon the judgment *X v. State of Rajasthan & Anr.*, 2024 INSC 909, asserting that in cases involving serious offenses like this, the accused should not be granted bail.

7. The Court has considered the submission.

8. In *X vs. State of Rajasthan* (supra), it was noted that if at the stage of bail, the testimony of the prosecutrix is appreciated and bail is granted on the same it will have its own impact on the pending trial, when it comes to appreciating the oral evidence of the victim. It is no longer *res-integra* that at the stage of deciding the bail, the Court has only to proceed a prima facie case and the meticulous appreciation of evidence is not permissible. The appreciation of evidence at this stage may prejudice either of the party and therefore the Court has only to look at the prima facie case.

9. In the present case, the petitioner is in custody in 07.08.2023. Out of 13 witnesses, only prosecutrix has been examined. Besides this, there is a delay of around 2 years. Perusal of FIR indicates that it is not the case of the prosecutrix that she was kept under detention during this period and she did not get any opportunity to report the offence to the police.

10. It is a settled proposition that each case must be evaluated based on its own peculiar facts and circumstances, and the mere pendency of other criminal cases cannot solely justify the refusal of bail. This principle is supported by the Supreme Court's decision in *Prabhakar Tewari v. State of U.P. & Anr.*, Criminal Appeal No. 152/2020, arising out of SLP (Crl.) No. 9207/2019, dated 24.01.2020.

11. Not going into the meticulous appreciation of evidence, leaving such evaluation to the learned Trial Court, and considering the period of



incarceration, the applicant is granted regular bail upon furnishing a personal bond of ₹20,000/- with one surety of the same amount, to the satisfaction of the concerned learned Trial Court. This is subject to the verification of the applicant's address and mobile number, along with compliance with the following additional conditions:

- e. the petitioner shall regularly appear before the IO/trial court as and when directed;
 - f. the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - g. the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
 - h. In case of change of residential addresses and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
12. In view of the above, the instant application along with any pending application stand disposed of.
13. A copy of this order be sent to the concerned Jail Superintendent for necessary compliance.

DINESH KUMAR SHARMA, J

DECEMBER 13, 2024/ssc/na