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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3258/2024**

LAKHINDAR KUMAR NAGAR @ LUCKYPetitioner
Through: Mr. Pradeep Teotia and Mr. Amit
Kumar Dhaka, Advocates.
versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Nawal Kishore Jha, APP for State
with SI Khushbu Jha, P.S. Anand
Vihar.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
20.09.2024

1. By way of present bail application, the applicant seeks anticipatory bail in FIR No. 383/2024 registered under Section 376 IPC at P.S. Anand Vihar, Delhi.
2. During the course of submissions, learned counsel for the applicant has relied upon the photographs taken from the CCTV footage of P.G. Hostel, where the alleged incident is stated to have been taken place. He submits that a perusal of the said photographs would show that the prosecutrix is freely talking on phone and is not under any distress and the relationship between the parties is consensual. It is further submitted that though the alleged incident is of 13.06.2024, a Zero FIR was lodged on 15.06.2024 at Police Station Anand Vihar, Delhi. Later, the said FIR was transferred to U.P., whereafter upon comments being received from the



office of SP, Police Headquarter, Lucknow, U.P., the present FIR came to be registered on 31.07.2024 at P.S. Anand Vihar, Delhi. He submits that even as per the prosecution case, the prosecutrix was at the place of incident from about 2 PM to 6 PM and was freely talking to her friend using her mobile phone. Learned counsel lastly submits that the applicant is not involved in any other case.

3. The application is opposed by learned APP for the State who submits that the allegations in the FIR are clear and categorical. He submits that the prosecutrix has clearly stated that some stupefying substance was given to her, whereafter physical relations were forcefully established by the applicant. Prosecutrix has also alleged that the applicant has also shot inappropriate videos of her. Ld. APP however, on instructions from the I.O., states that CDR of the prosecutrix shows that between the said period of 2 PM to 6 PM she was in constant touch with her friend 'S', inasmuch as there were 10 incoming calls and 4 outgoing calls on the mobile phone of the prosecutrix.

4. Ld. counsel for the complainant, on instructions, submits that the prosecutrix has no objection to the grant of anticipatory bail to the applicant.

5. At this stage, it is further submitted that the applicant has handed over his mobile phone to the I.O. to which Ld. APP for the State submits that on a preliminary look by the I.O., no inappropriate video was found in the same. Ld. APP further submits that mobile phones of applicant as well as prosecutrix have been sent to FSL for further examination.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. As per the allegations levelled in the FIR, it is stated that after being



given some stupefying substance the alleged act was done forcefully by the applicant and in the process the prosecutrix was able to connect only to her friend 'S' after which her friend had come and rescued her. Prima facie, the aforesaid allegation when seen in the light of the Status Report and the CDR connectivity between the prosecutrix and her friend is not supported. Keeping in view the totality of the facts and circumstances, it is directed that in the event of arrest applicant be released on anticipatory 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 details, 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.
8. The application is disposed of in the above terms alongwith pending applications.



9. Needless to state that the observations made hereinabove are only for the purpose of disposal of present bail application and which shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

SEPTEMBER 20, 2024/ga