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

+ **BAIL APPLN. 202/2024**

SANJAY KUMAR

..... Petitioner

Through: Mr. Pulkit Prakash, Mr. Rajeev Ranjan, Mr. Saimon Farooqui, Mr. Rishikesh, Mr. Arjun Mohan, Mr. Shubhasish Sharma and Mr. Chirantan Krishna, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Naresh Kumar Chahar, APP for State

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

18.01.2024

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CRL.M.A. 1548-49/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. The instant application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of applicant seeking grant of regular bail in case FIR bearing no.121/2020, registered at Police Station Rajouri Garden, Delhi for offences punishable under Sections 376/377/341/506 of Indian Penal Code, 1860 ('IPC').
4. Issue notice. Mr.Naresh Kumar Chahar, learned APP accepts notice on behalf of State.



5. Briefly stated, the facts of the present case are that the complainant “P” had lodged a complaint alleging that on 01.02.2020 around 1:00-1:30 p.m. her uncle i.e. accused came to her house along with “GG”, who is the daughter of her elder maternal aunt “N”. It is stated that he sent back “GG” to her house and asked the son of the complainant to go to terrace and play with pet dog. Thereafter the accused tied the hands of the complainant with chunni and established physical relations with the prosecutrix, threatened her and then ran away.

6. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case. It is stated that it is counterblast of a consensual relationship turning sour. Learned counsel further states that there is a land dispute ongoing between the complainant’s family and the accused and for this reason applicant has been falsely implicated in the present case to satisfy their personal vengeance. It is stated that all the public witnesses including prosecutrix have been examined and only government witnesses are left to be examined. FSL report has also been filed. It is also stated that the applicant has been in custody for more than 3 years and 10 months i.e. half the punishment prescribed under the Indian Penal Code, 1860 for the said offence.

7. I have heard the learned counsel for the applicant as well as learned APP for State and have perused the material available on record.

8. Considering the overall facts and circumstances, no ground for regular bail is made out at this stage.

9. Accordingly, the present application stands dismissed.

10. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.



11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 18, 2024/NS

Click here to check corrigendum, if any