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

+ **BAIL APPLN. 3322/2024**

RAVINDER KUMAR VERMA

.....Petitioner

Through: Mr. Varun Singh, Mr. Ashish Pandey,
Mr. Janmejay Pratap Singh, Ms.
Kanchan, Mr. Ramneek, Ms. Rashmi
Thakran, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Kajal Tyagi, PS Paharganj
with victim.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.10.2024

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1. The present bail application has been filed for grant of regular bail under Section 483 BNSS on behalf of the applicant seeking release on bail in case FIR No. 216/2024 under Section 376/328/506/509 IPC and Section 4 POCSO registered at PS Pahar Ganj.
2. The case set up by the prosecution in the status report that the said case has been registered at PS Paharganj on 10.04.2024 on complaint of complainant 'K' D/o 'S', R/o 'X' (identity of the victim is withheld) Age- 19 years wherein she alleged that she met the accused person in 2021 through Facebook and thereafter their friendship developed. On 17th November 2022, the accused called the victim/ prosecutrix to celebrate her birthday which was on the next day i.e. 18.11.2022. On 17.11.2022 the victim was a minor and was about to turn major on



18.11.2022. On 17.11.2022 the accused took the victim to a hotel in Paharganj where he drugged her by using red heart shaped pills and made forceful sexual relations with her. It is further alleged by the victim when she regained consciousness, she found herself without clothes, she cried but was consoled by the accused that he liked her and would want to marry her. The victim/prosecutrix further alleged that again, in December 2022 the accused took her to hotel suvidha deluxe and on the false pretext of marriage, established forceful physical relations with her. Then both of them got their parents agreed for their marriage, later the family of accused started making dowry demands from the victim's family. The accused started abusing her and uttered words which outraged her modesty. It is further alleged that the accused made her fake instagram ID also and has uploaded the victim's photographs portraying her as a prostitute.

3. Victim/ prosecutrix was got medically examined vide MLC No. OSC/17 at LHMC Hospital wherein she refused for her internal medical examination. The counselling of the complainant/prosecutrix was also got conducted by the counselor of Delhi Women Commission. The case mentioned above was registered and the investigation was taken up. Thereafter the victim was taken to area of Paharganj and the site plan of the place of offence i.e. Hotel Suvidha Deluxe, Paharganj was prepared.
4. On 11.04.2024, the manager of Hotel Suvidha Deluxe, provided attested copies of entry/exit details of hotel guest register of accused Ravinder Verma and victim 'K' from 21.12.2022 to 13.03.2024. During further course of investigation, On 12.04.2024 accused



Ravinder Kumar Rajput S/o Ram Dheeraj R/o BahdwaSombanshi, post- Vishanpurbairiya, PS Kotwali, Distt- Gonda Uttar Pradesh, Delhi Age-22 years was arrested in this case as per procedure established by the law and his mobile phone was seized as the victim 'K' stated that he has uploaded her photo on instagram with a caption on it "Dhandekeliyesamparkkarein". So the said phone was sent to FSL Rohini for examination and analysis and retrieving the WhatsApp chats and conversation. On 15.04.2024 Statement U/S-164 Cr.P.C. of the prosecutrix was recorded from the Court in which she corroborated her version of FIR where it was further revealed from the statement u/s 164 CrPC that the victim was a minor at the time of occurrence of the first incident. As her age was 17 years 11 months 29 days on 17.11.2022 therefore, section 4 POCSO act was added.

5. Learned counsel for the petitioner submits that the petitioner and victim were going to get married and at the last moment, it could not solemnize on account of certain differences that arise between the parties. Learned counsel submits that the petitioner is 22 years of age and is in custody for more than last 6 months.
6. Learned APP for the State has opposed the bail application on the ground that at the time when physical relation was established with the prosecutrix for the first time, she was minor. It has further been submitted that it has also revealed during the investigation that the petitioner had posted malicious comments on Instagram to damage the reputation of the prosecutrix.
7. The status report indicates that the victim had not agreed for the internal medical examination. Perusal of the FIR was indicates that



the prosecutrix and the petitioner were relationship with each other. The first alleged incident had taken place on 17.11.2022 whereas the prosecutrix turned major on 18.11.2022. There is no other involvement.

8. On a prima facie reading of the complaint, it appears that the present case is of a breach of promise to marry. Whether the promise was false or true is a matter of trial to be proved before the trial court.
9. In *Man Mandal and Anr. v. State of West Bengal* reported as 2023 SCC OnLine SC 1868, while taking into account continued custody of more than two years, the accused was granted bail. Keeping the applicant in further incarceration would cause deprivation of his right to legal defence. The object of jail is to secure the accused person's appearance during the trial. The object is neither punitive nor preventive, and the deprivation of liberty is considered a punishment. The applicant cannot be made to spend the entire period of trial in custody especially when the trial was likely to take a considerable time.
10. In the peculiar facts and circumstances, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and provide his mobile number(s) and subject to the following further conditions:
 - a) the petitioner shall regularly appear before the IO/trial court as and when directed;



- b) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- c) the petitioner shall not visit within the vicinity of residential address of the victim;
- d) 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;
- e) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

11. With the above directions, the application is disposed of.

12. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024

Pallavi/HT..