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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3666/2024 and CRL.M.A. 32656/2024**
AMAN SHEORANPetitioner
Through: Mr. Anil Kumar Verma, Advocate

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Nawal Kishore Jha, APP for State
Mr.Rajeev Pratap Singh, Advocate for
complainant
Mr.Vikas Walia, Amicus Curiae

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.11.2024**

1. By way of present bail application, the applicant/petitioner seeks anticipatory bail in FIR No.482/2024 registered under Section 376 IPC at P.S. Timarpur, Delhi.
2. Learned counsel for the applicant submits that in the present case, the applicant has been falsely roped in with the accusations of rape as there were money transactions between the parties. The applicant had advanced a sum of Rs.55,000/- to the husband of the prosecutrix and since the said amount was not intended to be paid by them, the present case came to be registered against the applicant. He further submits that on 16.07.2024, the applicant had given a complaint to the S.H.O. at P.S. Timarpur, apprehending accusations of sexual harassment at the hands of the prosecutrix and a settlement was also arrived at between the parties before the Counsellor, DCW on 17.07.2024 wherein, on the aspect of settlement of their dispute, it



was stated that the dispute was only monetary in nature and there were no allegations of any sexual assault or rape levelled against the applicant. He further contends that though the prosecutrix has claimed that prior to the incident, the applicant had visited her house at untimely hours when she was with her other friends, however, as per the Status Report filed by the I.O. it has been stated that the statements of the said friends of the prosecutrix were recorded, who denied their presence at the house of the prosecutrix on that day. He also submits that as per the Status Report, prior to the lodging of the FIR, the prosecutrix has visited hospitals where again, no allegation of rape was ever recorded.

3. Learned APP for the State, duly assisted by the learned counsel for the complainant as well as learned Amicus Curiae, opposes the bail application. Learned Amicus Curiae as well as learned counsel for the complainant submit that the prosecutrix has alleged that the incident firstly occurred in February, 2024 whereafter it was repeated on many occasions. The prosecutrix, in her complaint, has stated that she visited the Police Booth, Gandhi Vihar on 09.07.2024 and P.S. Timarpur on 16.07.2024 respectively, however, on none of the said occasions her complaint was registered on account of alleged pressure from the applicant, rather the dispute was shown as a monetary dispute and even before the Counsellor, DCW, the incident of rape was ignored.

4. I have heard learned counsels for the parties as well as learned APP for the State and have also gone through the material placed on record.

5. A perusal of the FIR would show that the prosecutrix has alleged that the applicant was on visiting terms with her husband and they were having business relations. On one of the occasions, the applicant had even advanced



a sum of Rs.5,000/- to the prosecutrix. The incident is stated firstly to have occurred somewhere in the last week of February, 2024, however, no specific dates have been mentioned. Moreover, the incidents are stated to have repeated thereafter, however, even as per the prosecutrix, she first complained about the incident only on 09.07.2024 at Police Booth, Gandhi Vihar. An updated Status Report has been placed on record, wherein it is stated that Head Constable *Naresh* has been examined, who stated that on 09.07.2024, the prosecutrix had approached only with a complaint of a monetary dispute. Again on 16.07.2024, the prosecutrix has claimed to have approached the Police Station Timarpur, however, there is a statement recorded on 17.07.2024 before the Counsellor, DCW wherein also no such allegation of rape was levelled. A report to the aforesaid extent is also available in the police file, which has been perused. Although subsequently the prosecutrix had gone to DCW, the complaint regarding allegations of rape for the first time was claimed to be sent to the concerned DCP and DCW in the month of August, 2024 and the FIR came to be registered on 10.09.2024.

6. Keeping in view the aforesaid facts and circumstances of the case and considering that there is a statement on record dated 17.07.2024 which is signed by the prosecutrix as well as her husband wherein only a monetary dispute is shown and on a *prima facie* reading of the material placed on record, this Court is inclined to direct that in the event of arrest, the applicant be released on bail subject to his 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 asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
- (iv) In case of change of residential addresses/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.

7. The application is disposed of in the above terms alongwith the pending application.

8. 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 same has been expressed only for the purpose of the disposal of the present bail application.

MANOJ KUMAR OHRI, J

NOVEMBER 19, 2024

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