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

+ **BAIL APPLN. 3783/2024 & CRL.M.A. 31419/2024**

SONU

.....Petitioner

Through: Mr. Rajiv Mishra, Mr. Saurabh, Ms.
Surbhi Singh & Ms. Suruchi Yadav,
Advocates

versus

GNCTD OF NCT OF DELHI (STATE)

.....Respondent

Through: Mr. Pradeep Gahlot, APP for State
with Ms. Ridam Arora, Mr. Mohit
Sharma, Mr. Harsh Kumar Singh,
Advocates
SI Bharti PS Aman Vihar
Mr. Yash Tyagi, Adv. for
complainant

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

18.11.2024

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1. This petition has been filed seeking regular bail in FIR No.714/2023 under Sections 342/376/109/34 IPC and Section 6/17 POCSO at PS Aman Vihar. Petitioner was arrested on 14th December 2023. Chargesheet was filed under Sections 328/342/376/506 IPC and Section 6 POCSO.
2. Pursuant to issuance of notice by this Court, prosecutrix has appeared before the Court, duly assisted by her counsel.
3. Though the prosecutrix states that she is a minor, her counsel, after a discussion with her, states that she does not object to grant of bail to the petitioner, on the account of the fact that she was in a relationship with the



petitioner, who was her neighbour, for more than 2 years and there were some disputes between the neighbouring families.

4. Statement of prosecutrix was also recorded by the Trial Court (*while considering the petitioner's bail application*) on 18th September 2024 wherein also she had stated that she is not opposed to grant of bail to petitioner.

5. Aside from this, counsel for petitioner has also pointed out that the alleged incident took place in August 2023 while the complaint was lodged with a delay of 4 months, which has not been explained. As per the counsel, it is an admitted position that petitioner and prosecutrix were having an affair for more than 2 years. There is no medical examination which could lead to any FSL report. Petitioner's mother had lodged a complaint in November 2023 regarding sexual harassment against one Sunil. Sunil was a friend of one Meenakshi (*a neighbour*) with whom prosecutrix used to live. It is contended that accordingly the said FIR was registered as a counter blast against the petitioner, his mother, *mausi*, and *mausa ji* (*maternal aunt and uncle*).

6. He further contends that, except for the petitioner, others have been granted bail by orders of the Sessions Court. As per petitioner's counsel, bail was granted to Sunita on 20th October 2023, to Manju by order dated 18th December 2022 and to Sanjay on 27th January 2024.

7. Counsel for petitioner has drawn attention to ***W.P. (Crl.) 3500/2023*** and ***W.P. (Crl.) 131/2024*** filed before this Court, in relation to *inter se* issues which had arisen between the parties.

8. Accordingly, in these facts and circumstances, and submissions of counsel for petitioner and the '*No Objection*' of the prosecutrix, this Court



deems it fit to grant bail to the petitioner.

9. Consequently, the petitioner is directed to be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount subject to the satisfaction of the Trial Court, further subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned.
- vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.

10. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on merits of the matter.

11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.



12. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

NOVEMBER 18, 2024/sm/sc