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

+ **BAIL APPLN. 3868/2024**

HIMANSHU

.....Petitioner

Through: Mr.Sachin Shukla, Mr.Ankit Duhan,
Mr.Nikhil, Mr.Aakash and Mr.Hamid, Advocates

versus

STATE NCT OF DELHI THROUGH SHO PS LAJPAT NAGAR

.....Respondent

Through: Mr.Laksh Khanna, APP for State with
SI Rajni

Mr.Shyam Arora, Ms.Khushboo and Mr.Animesh,
Advocates for prosecutrix

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.12.2024

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1. By way of present application, the petitioner/applicant seeks regular bail in FIR No.295/2024 registered under Sections 376/506/385 IPC at P.S. Lajpat Nagar, New Delhi.
2. Learned counsel for the applicant submits that the applicant has been in custody since 24.07.2024. It is submitted that though the complainant has alleged that the relations between her and the present applicant were forceful, however, the said claim is falsified by the fact that there are multiple money transactions between the parties. He submits that the prosecutrix was already married. She was a consenting party and had even visited various hotels alongwith the applicant. Lastly, it is stated that the chargesheet already stands filed.



3. Learned APP for the State, duly assisted by learned counsel for the complainant, has opposed the bail application. It is stated that the prosecutrix has remained consistent in her allegations, even in her statement recorded under Section 164 Cr.P.C. and has further alleged that the applicant subsequently extorted money from her. It has been further alleged that the applicant has made obscene videos of her, which also stand verified from the mobile phone seized from the applicant.

4. I have heard learned counsels for the parties as well as the 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 she used to work at a SPA Centre where she met the applicant somewhere in October, 2023. It is further alleged that the applicant has made forceful physical relations with her on 09.12.2023 which continued thereafter. Though no allegations of extortion have been mentioned in FIR, in her statement recorded under Section 164 Cr.P.C., she stated that few days prior to the lodging of the FIR, she met the applicant at Lajpat Nagar, where he demanded a sum of Rs.20,000/- from her. As the prosecutrix did not want to pay the said amount, she sought two days' time and subsequently lodged a complaint with the concerned Police Station. A fresh Status Report has been handed over in Court today on the aspect of transactions between the parties. As per the Status Report, the investigation conducted at Kotak Mahindra Bank and ICICI Bank of the applicant reveals that a sum of Rs.34,810/- from the Kotak Mahindra Bank and Rs.1100/- from the ICICI Bank has been transferred to the victim's account. Besides, a sum of Rs.11,306/- and Rs. 22,973/- has been transferred by the victim to the applicant's Kotak Mahindra Bank account and ICICI Bank account, respectively. Learned APP



for the State, on instructions, submits that the aforesaid transactions began in October, 2023 and continued till July, 2024.

6. Considering the aforesaid facts and circumstances of the case, without commenting further on the merits of the case, it is directed that the applicant be released on regular bail, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/ concerned Court/Duty J.M./Link J.M. and subject to the following further conditions :-

- i) The applicant shall not leave the NCR without prior permission of the concerned Court.
- ii) The applicant shall provide his mobile number to the Investigating Officer on which he will remain available during the pendency of the trial.
- iii) In case of change of residential address or contact details, the applicant shall promptly inform the same to the concerned Investigating Officer as well as to the concerned Court.
- iv) The applicant shall not directly/indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
- v) The applicant shall regularly appear before the concerned Court during the pendency of the trial.

7. The bail application is disposed of in the above terms.

8. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

9. Copy of the order be uploaded on the website forthwith.



10. 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

DECEMBER 12, 2024
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