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

+ **BAIL APPLN. 3873/2024**

**VIPIN KUMAR**

.....Petitioner

Through: Mr.Pradeep Rana, Mr. Gagan  
Bhatnagar, Mr. Rahul Parashar,  
Mr.Ankit Rana, Mr.Deepak Chillar,  
Mr. Rishabh Kant Sharma, Mr.  
Ashish Kumar Tiwari, Advs.

versus

**STATE GOVT.OF NCT OF DEHLI**

.....Respondent

Through: Ms. Kiran Bairwa,APP for the state  
with SI Komal, PS Subhash Place.  
Mr. Fauzan Abbasi and  
Mr.Karandeep Singh, Advs. for R-2  
(VC)

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

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**25.11.2024**

1. The present petition has been filed seeking regular bail in case FIR No. 641/2023 registered at PS Subhash Place under Sections 328/376(2)(n)/406/506/509/420 /467/468/471/472/494/495/496 IPC
2. The status report has been handed over physically in the Court, today. However, the same is not on the record. Let it be brought on record.
3. Sh. Pradeep Rana, learned counsel for the petitioner, submits that the petitioner has been in custody since 16.09.2023. He submitted that even as per the FIR alleged by the complainant, there was a consensual relationship between the parties. Learned counsel further



submits that the complainant has alleged in the FIR that under the false pretext of the marriage, the petitioner established a physical relationship with her and continued the same for two years from 2020 to 2022.

4. Learned counsel submits that the FIR in the present case was lodged on 15.09.2023 whereas even as per the FIR last physical relations were established on 09.08.2022. Learned counsel submits that there is an inordinate delay in the registration of the case and that there are stark contradictions in the testimony of the prosecutrix. Learned counsel has invited the attention of the Court to the partnership deed dated 22.01.2021 placed on record as Annexure P-10 executed between the petitioner and the father of the complainant indicating that there were some financial transactions also between the parties. Learned counsel submits that the chargesheet has already been filed, and the trial may take a long time.
5. Learned APP for the State and learned counsel for the complainant have vehemently opposed the bail application.
6. Learned APP for the State submits that in the present case, the petitioner on the false pretext of marriage cheated the complainant not only of money but also forcibly established physical relations with her on several occasions. Learned APP submits that even the petitioner pretended to have married the complainant whereas he was earlier married and no formal marriage had taken place between the parties. Learned APP submits that even to earn the confidence of the complainant, the petitioner gave a forged appointment letter to the complainant and took Rs. 2.5 lacs from her.



7. Learned counsel for the complainant submitted that the petitioner exploited the complainant physically, mentally, and financially. He further submitted that the complainant has consistently cooperated with the trial process, appearing for testimony except on a few occasions when she was in an advanced stage of pregnancy or when the Court was vacant.
8. I have considered the submissions.
9. The perusal of the FIR, indicates that the alleged duration of the offence spans from August 2020 to August 2022. According to the complainant, she became acquainted with the petitioner in August 2020. She alleges that on January 30, 2021, the petitioner visited her, offered her juice and cake, and after consuming them, she became unconscious, during which the petitioner allegedly established physical relationship with her. Subsequently, it has been alleged that on February 9, 2021, the petitioner is said to have taken the complainant to a friend's house, where he put a mangal sutra around her neck, applied vermilion on her forehead, and declared her his wife. The complainant further alleged that the petitioner engaged in sexual relations with her on multiple occasions, the last being on August 9, 2022, in Punjabi Bagh. She has also alleged that the petitioner falsely stated that he had divorced his first wife and took Rs.2.5 lakh from her under the pretext of helping in secure a job with the Delhi Administration, and even provided her with a forged appointment letter.
10. However, the complainant's statement recorded under Section 164 Cr.P.C. on September 18, 2023, presents certain discrepancies. In this



statement, she alleged that in January 2021, the petitioner visited her residence, proposed a business venture, and took Rs.5,00,000 from her family. She further stated that certain documents were executed, through which the petitioner agreed to pay Rs. 15,000 per month to her family. This averment made in the statement matches with the partnership deed on record which notably was not mentioned in the FIR.

- 11.The complainant's MLC reflects her admission to having a consensual physical relationship with the petitioner, albeit under the alleged false promise of marriage. The question of whether there was a false promise of marriage or not is a matter to be determined during the trial.
- 12.At this juncture, it has also been submitted by the learned counsel for the complainant that the petitioner has certain delicate photographs of the complainant. Learned counsel for the petitioner on instructions submits that the petitioner does not have any such photos and videos of the complainant. Learned counsel for the petitioner further undertakes that the petitioner if having any photographs or videos of any nature of the complainant, will not circulate in any manner as per the allegations.
- 13.The criteria for grant of bail is very well settled. The consideration to be taken into account while grant of regular bail are the nature and gravity of the respondent's accusations and the antecedents of the applicant, possibility of the Applicant to flee from justice, the possibility of threatening and intimidating the witnesses and other



circumstances. Further, it is a settled rule that the Court at the stage of the bail cannot hold mini trials and has to see only the prima facie case as produced by the prosecution.

14. In the present case, the petitioner has been in custody since September 16, 2023, and has no prior criminal antecedents. Furthermore, considering that the trial is likely to take time and taking into account that the chief examination of the complainant has already been recorded, though the cross-examination has faced delays across multiple dates for various reasons. Thus without making any expression on the merits of the case, this court admits the petitioner to regular bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of concerned learned Trial Court, subject to the verification of the address and mobile number to be given and subject to 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 remain available on the address and the mobile number, to be given to the IO/ trial court and shall not leave the country without the permission of the learned Trial Court;
- d) In case of a 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.

15. In view of the above, the bail application along with pending application stands disposed of.

**DINESH KUMAR SHARMA, J**

**NOVEMBER 25, 2024**

Pallavi/Smg