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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9502/2024 & CRL.M.A. 36499/2024-EX.
J

.....Petitioner

Through: Mr. Chinmaya Sejwal, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP
SI Rooma Yadav, PS Nangloi

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

04.12.2024

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1. This is a petition seeking cancellation of bail granted to the respondent accused on 14.10.2024 by the learned ASJ, West Tis Hazari Court, Delhi in FIR No. 549/2020 dated 22.06.2020 u/s 498A/406/376/506/313/34 IPC registered at PS Nangloi.
2. The respondent No.2 is the brother-in-law of the petitioner, i.e. husband's younger brother.
3. It is alleged that on 04.04.2023, the respondent No.2 grabbed the petitioner from the back and demanded for sexual favours.
4. It is further alleged that on 09.06.2023, the respondent no. 2 committed the act of rape upon the petitioner.
5. The petitioner filed a complaint before CAW Cell only on 02.02.2024, where for the first time the allegations of the rape were made by the



petitioner and thereafter on 22.06.2024, the FIR was filed.

6. It is stated by Mr. Sejwal, learned counsel for the petitioner that the learned Sessions Court, while granting anticipatory bail to the respondent no. 2, failed to appreciate that the allegations against the respondent No.2 are clearly unequivocal and are of a serious nature. Hence, the anticipatory bail should be cancelled.
7. It is further stated that the delay is explainable as the in-laws of the petitioner were pressuring the petitioner not to register the complaint for the sake of the family.
8. Issue notice. Mr. Gautam, learned APP accepts notice on behalf of the respondent No.1 and opposes the petition.
9. I have gone through the order dated 14.10.2024 passed by the learned ASJ, West Tis Hazari Court, Delhi.
10. To my mind, the learned Sessions Court has appreciated the issue in the correct perspective. The learned Sessions Court has come to a finding that the petitioner has registered complaint under Sections 498A/406/313/376/506/34 of IPC against her husband, mother-in-law, father-in-law and the complaint as well as the FIR seem to be predicated on a matrimonial dispute.
11. In addition, the learned Sessions Court has also appreciated that the accused is the brother-in-law of the prosecutrix and the relationship of the prosecutrix with in-laws were not cordial.
12. Prior to the complaint of February 2024, there is no complaint filed by the petitioner against any of her family members. The FIR was registered almost after a year of the alleged incident, there is no medical evidence or previous complaint in connection with the



aforesaid incident.

13. Even assuming that the complaint was given on 02.02.2024, the same is 8 months after the date of the alleged incident.
14. For the said reasons, to my mind, there is no infirmity or illegality in the order passed by the learned Sessions Court wherein anticipatory bail was granted.
15. In view of the aforesaid, the petition is dismissed.

JASMEET SINGH, J

DECEMBER 4, 2024 / (MS)

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