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

+ **BAIL APPLN. 298/2025**

SUMIT

.....Petitioner

Through: Counsel appearance not given.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Rajkumar, APP for State along
with S.I. Sandeep P.S. DBG Road.
Mr. Aaditya Sharma & Mr. Vaibhav
Drall, Advocates.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

28.02.2025

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1. The present bail application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 (hereafter '*BNSS*') has been filed on behalf of the applicant, seeking grant of regular bail in case arising out of FIR bearing no. 0223/2024, registered at Police Station DBG Road, New Delhi for offence punishable under Section 376 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Brief facts of the case are that an FIR under Section 376 of IPC came to be registered at P.S. DBG Road on the allegations of the accused making sexual relations with the victim on false pretext of marriage. It is alleged that the prosecutrix herein knew the applicant for about 04 years prior to lodging of the present FIR. Since, she used to communicate with him through her mobile phone, in July, 2023 her family members had taken mobile phone



from her. Thereafter, she had met the accused at Bawana, and the applicant gave her a new mobile phone. Even thereafter, she was in constant touch with him. It is alleged that in February, 2024 the accused had made sexual relationship with her on false pretext of marriage. He had also made sexual relationship with her on 18.05.2024 at her sister's place when her sister was not present at home. It is alleged that on 19.05.2024, the accused had left for his job and had stopped answering phone calls of the victim. Thereafter, he had answered her phone call only once and had abused her and had refused to get married to her. Based on this the present FIR came to be registered.

3. The learned counsel appearing on behalf of the applicant states that the victim in this case was major and was about 20 years of age at the time of alleged incident. It is also stated that the victim and the petitioner were in a relationship for about 04 years. He further relies upon the statement of the prosecutrix recorded under Section 164 of Cr.P.C and states that in this statement also the complainant has agreed that sexual relationship between them had taken place with her consent. He further States that the petitioner herein was ready to get married with her, however, she wanted a lavish marriage, whereas the petitioner being a daily wage earner was not in a position to arrange the lavish marriage. Therefore, it is prayed that the applicant be granted bail.

4. The learned APP for the State vehemently opposes the present application and states that the offences committed are serious and grave in nature. It is argued that the physical relationship in this case was made by the present applicant on false pretext of marriage. It is further states that the trial is at initial stage, if bail is granted to the accused, then he can threaten the victim and her family members. Therefore, it is prayed that the present



bail application be dismissed.

5. This Court has heard arguments addressed on behalf of both the parties and has perused material available on record.

6. This Court's attention has been drawn to the statement of the prosecutrix recorded under Section 164 of Cr.P.C. wherein it has been stated that the parties were known to each other for about 04 years and were in a friendly relationship.

7. It is also noted that the accused has been in judicial custody since 01.06.2024. The prosecutrix in the meantime has got married and did not appear before this Court despite service as she is pregnant.

8. Considering the overall facts and circumstances of the case, the evidence at this stage, available against the present accused/applicant, the statement recorded under Section 164 of Cr.P.C., this Court is inclined to grant bail to the applicant on furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on the following conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
- iii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.

9. In the event of there being any FIR/ DD entry/complaint lodged against the applicant, it would be open to the State to seek redressal by filing



an application seeking cancellation of bail.

10. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

11. The bail application is allowed in the aforementioned terms.

12. The order be uploaded on the website forthwith.

FEBRUARY 28, 2025/vc

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any