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

+ **BAIL APPLN. 318/2025**

AMIT CHAUDHARY & ANR.

.....Petitioners

Through: Mr. S.K. Srivastava, Mr. Shubhi
Srivastava, Mr. Prince Kumar and Ms.
Garima Singh, Advocates

versus

STATE OF NCT OF DELHI ANR

.....Respondents

Through: Mr. Aman Usman, APP for State with
SI Renu, PS Wazirabad

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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18.02.2025

1. The present petition has been filed by the petitioner under Section 528 BNSS, 2023 seeking regular bail in connection with FIR No. 71/2021 under Sections 376(2)(n)/ 506/174A IPC registered at Police Station Wazirabad, Delhi.
2. The case of the prosecution is that the petitioner established physical relationship with the prosecutrix withholding the fact that he is already married and having three children.
3. Learned counsel appearing for the petitioner submits that it is not in dispute that the relationship between the petitioner and the prosecutrix were consensual in nature. He submits that the doctor who prepared the MLC has already been examined and he has testified that the prosecutrix had refused internal examination at the time when she was brought to the hospital. He further submits that the DNA report of the petitioner is also negative.



4. On a query posed by the Court, learned APP appearing on behalf of the State fairly states that the prosecutrix had refused her internal examination as well as the DNA report is negative.
5. Notice in the petition was issued vide order dated 03.02.2025 and the IO was directed to put the prosecutrix/respondent no. 2 to notice. The IO who is present in Court informs that the prosecutrix was put to notice with regard to the pendency of the present petition as well as today's hearing.
6. It is not the case of the prosecution that the petitioner has any criminal record or that the petitioner is a flight risk.
7. Further, all the material witnesses have been examined and there is no possibility of petitioner influencing such witnesses by the petitioner in the event he is granted bail.
8. In so far as the assertion made in the status report that the petitioner was absconder, suffice it to say that thereafter the petitioner was arrested and was even granted interim bail and the liberty so granted was not misused by him and he had timely surrendered.
9. In view of the above, the petitioner is admitted to 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 learned Trial Court/JMFC/Duty JM, further subject to the following conditions:
 - a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - b) Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.



c) Petitioner/applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

10. It is clarified nothing mentioned above shall be construed as expression of opinion on the merits of the case.

11. The application is disposed of.

12. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

13. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

FEBRUARY 18, 2025

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