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

+ **BAIL APPLN. 319/2025 & CRL.M.A. 2354/2025**

MEHAR SINGH

.....Petitioner

Through: Mr. Harsh Hardy and Ms. Dimple
Talwar, Advs.

versus

STATE, GOVT. OF N.C.T. OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP for State with
SI Jatin Kaushik PS Raj Park
Mr. Naresh Panwar, Adv. for
Prosecutrix

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

11.02.2025

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1. The present petition has been filed seeking regular bail in connection with FIR No. 624/2024 dated 21.09.2024 under Sections 69/351(2) BNS registered at PS Raj Park.
2. The case of the prosecution is that the prosecutrix used to visit her aunt for about 13-14 years, who was residing in the premises owned by the present petitioner, who has retired from Delhi Police. It is also the case of the prosecution that the aunt of the prosecutrix was having consensual physical relations with the petitioner. The petitioner also had physical relations with the prosecutrix about 04-05 years ago with the consent of the prosecutrix on the pretext that he will marry her and that after the marriage the pension of the petitioner will be transferred to the prosecutrix.
3. The learned counsel for the petitioner submits that the petitioner had let out his house to one lady 'A' who is about 60 years of age around 15-16



years back and that lady developed evil eye on the property of the petitioner. The said lady demanded Rs.10 Lakhs from the petitioner to vacate the property and also threatened that in case the demand is not fulfilled, she would implicate the present petitioner in false case. He submits that the petitioner even filed an application under Section 156(3) CrPC.

4. He submits that prosecutrix is the niece of the petitioner's tenant 'A'. The prosecutrix, as well as, her aunt was involved in a racket of honey trap and there is also a case registered against the prosecutrix under the Immoral Traffic (Prevention) Act, 1956.

5. He submits that the petitioner is aged about 77 years and is in judicial custody since 23.09.2024 and is suffering from Prostatic Hyperplasia. Further, the petitioner has no criminal record nor he is a flight risk.

6. *Per contra*, the learned APP duly supported by the learned counsel for the complainant has argued on the lines of status report.

7. A perusal of the order of the learned Additional Sessions Judge dated 07.12.2024 shows that the prosecutrix had stated in the Court that she has no objection in case the bail is granted to the petitioner but nothing should happen to her.

8. It is not in dispute that the petitioner is in custody since 23.09.2024 and is aged about 77 years, his custody is no more required by the prosecution for any further investigation. Therefore, no useful purpose will be served by keeping the petitioner in custody.

9. Insofar as apprehension expressed by the prosecutrix before the Court of learned Additional Sessions Judge, is concerned, appropriate conditions can be imposed to allay her fear.

10. It is also not the case of the prosecution that the petitioner is involved in any other criminal case or that he is a flight risk.



11. Considering the aforesaid circumstances, this Court is of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner is admitted to bail subject to his furnishing a Personal Bond in the sum of Rs. 30,000/- and one Surety Bond of the like amount to the satisfaction of the Trial Court/CJM/Duty Judicial Magistrate, 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 shall not indulge in any criminal activity and shall not communicate with or come in contact with the prosecutrix or any other witnesses.

12. The petition alongwith pending application, is disposed of.

13. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.

14. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

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

16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 11, 2025

N.S. ASWAL