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

+ **BAIL APPLN. 399/2025**

CHANDRAHAS MAURYA

.....Petitioner

Through: Mr. Sanjeev Sehgal, Ms. Sunita
Chaubey and Mr. Anshu Kumar,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
along with SI Kavita.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
24.02.2025

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1. The instant application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [earlier under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter “Code”)] has been filed on behalf of the applicant seeking anticipatory bail in FIR bearing no. 0442/2024 registered at Police Station – Govind Puri, Delhi for offence punishable under Section 64(1) of Bharatiya Nyaya Sanhita, 2023.

2. The brief facts of the case, as per the FIR, are that on 20th August, 2024, the complainant/victim received a call from one Dr. Sanjeev *alias* Rajesh, who assured her that he will provide her a job in the hospital and asked her to meet him at Khajuri Chowk at around 2:30 PM. Upon reaching the said location, the complainant met Dr. Sanjeev, who introduced her to the petitioner herein and she was told to call him the next morning at 10:00



AM. Accordingly, the complainant called the petitioner, who then asked her to meet him at Kashmiri Gate, Delhi at 12:00 PM. After meeting him at the scheduled place and time, the complainant was taken to the house of one Jarin, where several other girls were already present. Thereafter, the complainant was made to sit in a room and the petitioner allegedly started touching her inappropriately, thereby leading to the commission of rape.

3. Accordingly, an FIR bearing no. 0442/2024 was registered at Police Station – Govind Puri, Delhi under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023.

4. The applicant filed two anticipatory bail applications before the Court concerned, which were dismissed vide orders dated 21st September, 2024 and 25th November, 2024, respectively.

5. Thereafter, the instant application seeking anticipatory bail is filed before this Court.

6. Learned counsel appearing on behalf of the applicant submitted that the applicant is an innocent person and has not committed any offence as alleged in the aforesaid FIR.

7. It is submitted that the applicant is a senior citizen with a wife and three children and has a reputation of being a social worker. It is further submitted that the applicant met the complainant only with an intention to help her to find a job and no ulterior motive is involved as alleged in the instant FIR.

8. It is submitted that all the allegations made against the applicant are false and fabricated with the sole intent to extort money from the applicant and defame him.

9. It is submitted that the applicant has no history of previous



involvement in any criminal case and has clean antecedents.

10. It is submitted that the applicant undertakes that he shall cooperate with the investigating agency as and when required and also undertakes to abide by any condition imposed upon him by this Court while granting anticipatory bail.

11. In view of the aforementioned facts and circumstances, it is prayed that the applicant be granted anticipatory bail.

12. *Per contra*, learned APP appearing on behalf of the State vehemently opposed the instant application and submitted that the allegations levelled against the applicant are serious in nature and therefore, the applicant is not deserving of any concession from this Court.

13. It is submitted that the applicant is not cooperating with the investigation of the instant case, therefore, no chargesheet has been filed by the investigating agency.

14. It is further submitted that the contents of the FIR are corroborated by the statement given by the complainant under Section 180 of the BNSS (Section 161 of the Code), wherein she reiterated that the applicant had forced himself upon her, thereby, committing the offence of rape.

15. Furthermore, it is submitted that since the applicant is not cooperating with the investigating agency, Non-Bailable Warrants were issued against him and accordingly, proceedings under Section 84 of the BNS were initiated against the applicant.

16. It is submitted that considering the seriousness of the offence, non-cooperation with the investigating agency and influential position of the applicant, custodial interrogation of the applicant is required.

17. In view of the foregoing submissions, it is prayed that the instant



application may be dismissed.

18. Heard learned counsel for the parties and perused the record.

19. At this stage, it is relevant for this Court to consider the circumstances and factors that must be examined while granting anticipatory bail. In this regard, it is pertinent to mention the case of ***Lavesh v. State (NCT of Delhi)*, (2012) 8 SCC 730**, wherein the Hon'ble Supreme Court observed that while granting anticipatory bail to the accused, the Courts must examine the gravity and magnitude of the allegations levelled against him as well as other factors such as the accused's previous conduct, antecedents, possibility of fleeing justice etc.

20. Adverting to the facts of the instant case, it is apposite for this Court to peruse the contents of the instant FIR as well as the statement made by the complainant under Section 81 of the BNSS (Section 161 of the Code). Upon a conjoint reading of the aforesaid material, it is observed that the gravity of the allegations levelled against the applicant are serious in nature. It further indicates that the complainant has contacted the applicant merely seeking help for finding her a job, however, the applicant seems to have taken advantage of his influential and superior position, thereby taking liberty and committing the alleged offence of rape, without her consent, on the pretext of providing her job and money.

21. Furthermore, upon perusal of the Status Report filed by the State, it is observed that the applicant has not been cooperating with the investigation in the instant case and proceedings under Section 81 of the BNSS have been initiated against him.

22. Therefore, considering the aforesaid facts and circumstances as well as the law laid down by the Hon'ble Supreme Court, it is observed that the



offences levelled against the applicant are serious in nature. Moreover, there is a high probability of the applicant attempting to induce witnesses and tamper with the evidence, if granted anticipatory bail due to his influential position in public life. Furthermore, the applicant's non-cooperation with the investigating agency and subsisting proceedings under Section 81 of the BNSS necessitate his custodial interrogation.

23. In light of the gravity of allegations levelled against the applicant, influential position of the applicant as well as his failure to cooperate in the investigation, this Court is not inclined to grant anticipatory bail to the applicant.

24. In view of the above facts and circumstances, this Court does not find any merit in the instant petition and accordingly, the instant petition is dismissed along with the pending applications, if any.

25. It is made clear that the observations made herein, touching upon the merits of the case, are purely for the purpose of deciding the question of granting of anticipatory bail, which shall not be construed as an expression of final observations on the merits of the present case.

CHANDRA DHARI SINGH, J

FEBRUARY 24, 2025

Rk/mk/kj

Click here to check corrigendum, if any