



\$~9

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

+ **BAIL APPLN. 438/2025**

AMBRISH PATHAK

.....Petitioner

Through: Mr. Sarvesh Rai and Mr. Neeraj
Kumar, Advocates.

versus

STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for State.
SI Priyanka, PS Ranhola.
Mr. Vijit Singh, Adv. Mr. Dhruv
Chaudhary and Mr. Shubham Sourav,
Advocates for Mr. Harsh Prabhakar,
Adv. (DHCLSC) for victim with
victim in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

%

24.07.2025

CRL.M.(BAIL) 217/2025

1. Through the instant application accused/applicant seeks anticipatory bail in case FIR No. 202/2024 under Sections 376/323/504/506 of the IPC, registered at P.S. Bakhira.
2. Heard and perused the case file.
3. Vide an interim order dated 10.03.2025 passed by Coordinate Bench of this Court, interim protection was granted to the applicant. Said order being relevant is reproduced as under:

"1. This hearing has been done through hybrid mode.

2. Learned counsel appearing on behalf of the applicant submits that in the FIR itself, the complainant/survivor has admitted that



she was in a consensual relationship with the applicant for the past 6 years. It is pointed out that the complainant/survivor is a married lady having one child out of the said marriage and this fact had not been mentioned initially in the complaint.

3. Status report dated 06.03.2025 authored by Mukesh Kumar Singh, Station House Officer, P.S. Ranhola, has been filed, wherein it has been mentioned that the complainant/survivor has taken divorce from her first husband, however, she does not remember the date of such decree.

4. Learned counsel appearing on behalf of the applicant submits that on the date of the alleged incident i.e. on 06.04.2024, certain transactions have taken place between the applicant and the complainant/survivor and a copy of statement of the account of the applicant with respect to the same has been placed on record. Let the same be verified before the next date of hearing.

5. List on 29.04.2025.

6. In the meantime, on the applicant joining the investigation as and when directed by the Investigating Officer, no coercive steps shall be taken against the applicant till the next date of hearing.”

4. Apropos, on a court query, it transpires that the applicant has fully cooperated with the Investigating Officer (IO) whenever called for the recording of his statement. There has been no defiance or non-compliance on his part. In fact, the IO is present in court today and, upon being questioned, has candidly stated that all necessary information has already been obtained from the applicant and no further interrogation or statement is required.

5. The relationship between the prosecutrix and the applicant is stated to have lasted for six years, a fact that is not disputed. Prima facie, it appears that their relationship was mutual and consensual, marked by friendly and intimate interactions. At the relevant time, the prosecutrix was legally



married. Therefore, even if the applicant had been willing to marry her, she was not legally in a position to marry him without first obtaining a divorce from her then-husband. Although she eventually secured a divorce, by that time, the applicant had already married someone else.

6. Considering the overall facts and circumstances, there appears to be no justification for placing the applicant in custody, as custodial interrogation is not necessary. The nature of the evidence is such that there is no indication that the applicant is in a position to tamper with it.

7. As for the allegations made against the applicant, these are matters for trial and will be assessed and proved in accordance with law through proper evidentiary proceedings.

8. Furthermore, it has been confirmed upon inquiry made by this court that the chargesheet is currently under preparation and is likely to be filed shortly. In view of the above, the interim bail previously granted to the applicant is hereby made absolute. However, IO shall cause formal arrest of the applicant and release him on bail on furnishing bail bonds and surety bonds to her satisfaction and subject to the conditions/provision contained in section 482(2) of the BNSS.

9. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial of the case as the same is only for the purpose of the disposal of the present bail application.

10. Bail application stands disposed of in the aforesaid terms.

ARUN MONGA, J

JULY 24, 2025/akc