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

+ **BAIL APPLN. 494/2025**

NITIN PAL

.....Petitioner

Through: Mr. Rakesh Kumar Singh and Mr.
Deepak Kumar Singh, Advocates

versus

STATE OF GNCT DELHI

.....Respondent

Through: Mr. Laksh Khanna, learned APP for
State with A.C.P. Rakesh Kumar
Sharma, Sub Division Kalkaji, Delhi
and S.I. Chanchal, P.S. Amar Colony
Mr. Vipin Singh Bansal, Advocate for
prosecutrix

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

17.03.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The petitioner has sought regular bail in this case for offence under Section 376/506 IPC and under Section 3(2)(v)/3(w) II SC & ST Act.
2. Briefly stated, the case set up by the prosecution is that the prosecutrix Ms. X, posted as a senior officer in the Department of Posts came into contact with the petitioner through a dating application in the month of March 2023 when she was living separate from her husband; that during the interaction, the petitioner told Ms. X that he was serving the Indian Navy and was a bachelor; that across a period of time, they started dating and on 21.02.2023 when they met at the residence of the petitioner, she objected to his sexual overtures on the ground that she did not want a casual physical relationship, to which the petitioner allegedly assured that he would marry her and on the basis of that assurance, she allowed physical



relations to develop between them, which continued over a period of time; that in the month of April 2024, Ms. X came to know that the petitioner had got engaged with another girl and on being confronted, he allegedly assured to break the engagement; that thereafter, Ms. X blocked the petitioner after telling him to remove his belongings from her residence; that during the period of their relationship, the petitioner used to call her “*Dhobi*” with the intention to insult her; and that in December 2024 Ms. X came to know that petitioner had got married with another girl, after which on 26.12.2024 he forcibly entered her house and threatened her not to disclose about their relationship to anyone otherwise, he would circulate their intimate pictures which were in his phone.

3. On the complaint lodged by Ms. X, the FIR No. 60/2025 for abovementioned offences was registered by PS Amar Colony and upon completion of investigation chargesheet has been filed before the Court of learned Special Judge empowered under SC & ST Act. The petitioner is in custody since 19.01.2025.

4. On behalf of petitioner, it is argued that it was a clear case of consensual relationship between the parties as the prosecutrix Ms. X is an educated lady posted as a senior government officer and being already married at the time of parties entering into relationship, she was well aware about the nature of relationship between them. It is contended by learned counsel for petitioner that even according to the prosecution case, Ms. X met the petitioner through a dating application and not a matrimonial application or site, which clearly shows that she entered into the relationship not with the intent to get married. As regards the allegations related to caste, it is contended by learned counsel that allegation was an afterthought.



5. On the other hand, learned prosecutor and learned counsel for prosecutrix oppose the grant of bail contending that the petitioner has been trying to pressurize the prosecutrix to withdraw her complaint. Learned prosecutor on instructions of the Investigating Officer has produced before me a copy of complaint lodged by Ms. X with PS Amar Colony, alleging that on 20.01.2025, she received phone calls from mobile phone of Ms. Rita Punia, Advocate, who is counsel for the petitioner before the trial court and through those calls, Ms. Punia, Advocate threatened Ms. X to withdraw her complaint. Learned prosecutor has also produced before me Call Detail Records (CDR) in support of this submission and informed that the said complaint of Ms. X is pending inquiry. It is pointed out by learned prosecutor that on 19.01.2025, the petitioner was arrested and on 20.01.2025, followed by 22.01.2025, the petitioner's counsel called up on mobile phone of the prosecutrix to pressurize her. That being so, according to learned prosecutor, if released on bail, the petitioner would try to tamper with the evidence.

5.1 Further, it is also submitted by learned prosecutor that as regards the incident dated 26.12.2024 when the petitioner allegedly forcibly entered the residence of Ms. X to threaten her, the call detail records of petitioner reflect his presence there and those records also form a part of the chargesheet. Learned prosecutor also takes me through the FIR in which Ms. X alleged that the first sexual relationship between them was a forced one.

6. Learned counsel for petitioner on instructions of his briefing counsel submits that petitioner never instructed Ms. Punia Advocate to threaten Ms. X. But there is no denial that Ms. Punia Advocate is the trial counsel for petitioner. *Prima facie*, I am unable to believe that a counsel would call up



the rival litigant without instructions. Further, it is submitted by learned counsel for petitioner that Ms. X has been calling up wife and parents of the petitioner. In response, learned counsel for prosecutrix submits that there is no material on record to show that Ms. X has been calling up wife of the petitioner.

7. Considering the totality of circumstances, especially admission by learned counsel for petitioner that Ms. Punia, Advocate was counsel for petitioner before the trial court, coupled with the CDR produced before me reflecting telephonic calls from Ms. Punia, Advocate to Ms. X, which calls according to Ms. X threatened her to withdraw her complaint, I find substance in the submission of learned prosecutor and learned counsel for prosecutrix that if released on bail at this stage, there is strong possibility of the petitioner trying to pressurize Ms. X to withdraw her complaint. That being so, presently, I do not find it a fit case to grant bail. The application is accordingly dismissed.

GIRISH KATHPALIA, J

MARCH 17, 2025/as

[Click here to check corrigendum, if any](#)