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

+ BAIL APPLN. 499/2025, CRL.M.A. 14412/2025 (for filing additional documents)

DEVENDER

.....Petitioner

Through: Mr. Anuj Kapoor and Mr. Shivom Sethi, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State with SI Pooja Saraswat, PS Tigri. Mr. Vaibhav Singh, Ms. Nargish and Ms. Nisha, Advocates for Complainant with Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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08.05.2025

CRL.M.A. 3642/2025 (Exemption) & CRL.M.A.14413/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

BAIL APPLN. 499/2025

3. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*), (Section 439 of the Code of Criminal Procedure, 1973) has been filed on behalf of the Petitioner, Devender, for grant of Regular Bail in FIR No. 434/2022 under Section 376 of the Indian Penal Code, 1860 (*Section 64 of the Bharatiya*



Nyaya Sanhita, 2023), registered at Police Station Tigri.

4. It is submitted in the Application that his Bail Application was rejected by the learned ASJ on 10.12.2024. The allegations as per the FIR, were that the Prosecutrix knew the Accused since 2020, with whom she had fallen in love. In the month of March, 2022, she had gone and stayed in his house for about five months. He used to fight and beat her. She had again gone to his house when he got drunk in the night and gave her beatings in the morning. She was taken to the Madan Mohan Malviya Hospital. She further stated that the Applicant since beginning, he had been assuring her of getting marriage and on that pretext, she had got into a relationship with him.

5. The Bail is sought on behalf of the Applicant on the ground that he is a young boy of 24 years and has no criminal antecedents. He is in judicial custody since 11.11.2022. The Statement of the Prosecutrix and her mother has already been recorded and the witnesses who remain are the formal Police or the doctors. The trial is likely to take long. Therefore, the Bail is sought.

6. During the arguments, ***learned counsel for the Applicant*** has submitted that the Complainant had earlier also record a similar case registered *vide* FIR No. 231/2016 under Section 376(2)/506 IPC and Section 5/6 of POCSO Act making similar allegations of her relationship on a false promise of marriage in which the Accused-Amit had been acquitted after a protracted trial.

7. It is submitted that in the cross-examination, Complainant has admitted that her parents had instructed her to file the Complaint against the Applicant, with the intent of having him incarcerated. The admissions made



by her in her testimony before the learned Trial Court, demonstrates the *malafide* intent behind the allegations, revealing an attempt to misuse.

8. The legal process based on personal dissatisfaction, rather than the genuine grievances. It is further submitted that the Applicant has clean antecedents and he is not a habitual offender. There is no likelihood of his being a flight risk. Hence, the Bail is sought.

9. ***Status Report has been filed on behalf of the State*** wherein the entire details of the investigations carried out in the FIR, have been detailed. Let the same be taken on record. It is further submitted that the FSL result has been received wherein the semen of the Accused has been detected on the clothes of the victim. The testimony of the Prosecutrix has been completed.

10. **Submissions heard and the record perused.**

11. As per the allegations made in the Complaint, the Applicant had gotten into a relationship with the Complainant. She, however, has made an allegation that there was a false promise to marry. The Accused is in custody since 11.11.2022. The testimony of the Prosecutrix and her mother has been recorded. The trial is likely to take long as there are 10 more witnesses to be examined.

12. Considering the nature of allegations and also that a similar prior FIR had been registered against one Amit on the Complaint of the Applicant, the Applicant is granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Accused shall furnish a personal bond of Rs.20,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Accused shall appear before the Court as and when the matter is taken up for hearing;



- c) The Petitioner/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Petitioner/Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

13. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

14. The Bail Application is accordingly disposed of. Pending Application also stands disposed of.

NEENA BANSAL KRISHNA, J

MAY 8, 2025/RS