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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 657/2025 & CRL.M.As. 4731-4732/2025**
RAJVIR CHAWLA @ MUDIT CHAWLAPetitioner

Through: Mr. Yashvir Kumar and Mr. Vivek
Kumar Singh, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Hemant Mehla, APP.
SI Puja Saini, P.S. Dwarka North.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.02.2025**

1. The present petition filed under Section 482 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023,¹ seeks grant of pre-arrest bail in proceeding emanating from FIR No. 432/2024 dated 19th September, 2024 under Sections 376/506 of the Indian Penal Code, 1860² at P.S. Dwarka North.

2. Briefly, the case of the Complainant, as alleged in the aforesaid FIR, is as follows:

2.1. The Complainant's husband has been incarcerated since October, 2020 in connection with a murder case. The Applicant, who was also in custody in an unrelated matter, became acquainted with the Complainant's husband during their time in jail. Upon the Applicant's release, the

¹ "BNSS"

² "IPC"



Complainant's husband sought his assistance in handling legal proceedings. At one point, the Complainant's husband contacted her and provided the Applicant's mobile number, instructing her to arrange a conference call. This led to the Applicant obtaining the Complainant's contact details.

2.2. In July, 2023, the Applicant contacted the Complainant and requested her to meet him at his residence in Dwarka. Considering the Applicant as a brother, the Complainant sought her husband's permission and subsequently visited the Applicant's residence along with her three-year-old son. Upon arrival, she found the Applicant alone. During this meeting, the Applicant made unwarranted advances and insisted that the Complainant engage in a physical relationship with him. The Complainant, taken aback, refused his advances. When she refused, the Applicant took out a gun, and pointed it towards her son and issued grave threats, warning her of severe consequences should she fail to comply with his demands. He then administered a sedative injection, forcibly moved her to another room and raped her. The Complainant regained conscious only the following morning.

2.3. The Complainant further asserts that the Applicant took photographs and recorded videos of her while she was unconscious. He subsequently used these materials to threaten her, coercing her into continued compliance under the threat of exposing the photographs and videos in public.

2.4. Since July, 2023, the Applicant has continued to intimidate and coerce the Complainant into maintaining physical relations with him, persistently threatening her by holding her child at gunpoint and warning her of dire consequences, if she refused. Fearing for her and her child's safety, the Complainant succumbed to these threats. The last such alleged incident took place in November, 2023. Meanwhile, on 25th August, 2023, the



Complainant's husband was released on bail.

2.5. In addition to the allegations of sexual assault, the Complainant claims that the Applicant misused her mobile number, which was linked to the digital payment platform "*PhonePe*," to obtain a loan in her name. As a result, she and her family members began receiving persistent calls regarding repayment. Faced with continued threats and harassment, the Complainant ultimately approached the police and lodged the present FIR on 19th September, 2024.

3. After lodging of the FIR, the Applicant applied for grant of pre-arrest bail before ASJ-02, Dwarka Courts. However, the said application was dismissed by order dated 26th November, 2024. Aggrieved by the rejection, the Applicant has now approached this Court seeking pre-arrest bail, raising the following contentions:

3.1. The Complainant has falsely implicated the Applicant with the intent to settle personal scores. She and her husband had initially approached the applicant, requesting financial assistance cover legal expenses for securing the husband's bail. The Applicant not only bore the professional fees and miscellaneous costs but also stood as surety for the Complainant's husband. Even after his release, the Applicant continued extending financial support as requested.

3.2. However, tensions arose when the Applicant requested repayment of the amounts he had spent. This led to a dispute, following which the Complainant and her husband allegedly conspired to falsely implicate the Applicant by levelling serious but fabricated allegations against him.

3.3. The Applicant submits that there is an unexplained and significant delay in lodging the FIR. The alleged incidents date back to July, 2023, yet



the FIR was only registered in September, 2024. This delay, according to the Applicant, casts serious doubts on the credibility of the allegations and suggests that the FIR is an afterthought.

3.4 Custodial interrogation is not warranted, as the allegations against him are based solely on the Complainant's version without any corroboration. The Applicant is willing to co-operate fully in the investigation and undertakes to abide by any conditions imposed by this Court.

4. The Court has considered the afore-noted contentions. The allegations against the Applicant are of a serious nature, involving coercion, sexual assault, criminal intimidation, and the alleged use of a firearm to instil fear. The Complainant has specifically alleged that the Applicant subjected her to continued coercion by threatening both her life and that of her minor child, thereby depriving her of any meaningful choice in the matter. While there is a delay in lodging the FIR, it is a well-established principle that delay in reporting offences of sexual violence does not, in itself, discredit the prosecution's case. The Complainant's explanation that she was coerced into silence due to sustained threats and blackmail involving sensitive recordings provides a plausible justification for the delay. The impact of such delay on the veracity of the allegations is a matter to be assessed at trial and cannot form the sole basis for granting pre-arrest bail at this stage.

5. Furthermore, the nature of the allegations suggests the necessity of custodial interrogation. The Complainant has asserted that the Applicant recorded explicit material and used it as a means of blackmail. If such recordings exist, their recovery is crucial for establishing the case. Additionally, the alleged use of a firearm in the commission of the offense necessitates further investigation, including potential recovery of the



weapon.

6. Additionally, it is pertinent to note that the Applicant has a criminal history. The presence of past criminal records raises apprehensions regarding the possibility of the applicant tampering with evidence, influencing witnesses, or engaging in similar conduct if granted anticipatory bail.

7. In light of the above, the Court is not inclined to grant pre-arrest bail to the Applicant.

8. Accordingly, the present application, along with pending applications, is dismissed.

SANJEEV NARULA, J

FEBRUARY 14, 2025

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