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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 673/2025

SURENDRA KAUR

.....Applicant

Through: Mr. Zahied F. Chouhan,
Ms. Iqura Khan and Ms.
Nida Parveen, Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Pinki, PS Nihal Vihar.
Mr. Mandeep Singh,
Advocate for the victim
along with victim in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.05.2025

1. The present application is filed seeking pre-arrest bail in FIR No. 24/2025 dated 09.01.2025, registered at Police Station Nihal Vihar for offences under Sections 64(2)(m)/115(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The FIR was registered pursuant to the complaint given by prosecutrix thereby alleging that she was sexually assaulted by the accused Amandeep Singh in the month of June, July and August 2024. Accused Amandeep Singh is the brother of prosecutrix's husband. The prosecutrix alleged that the accused Amandeep Singh raped her on 10.08.2024 and 18.08.2024 in her matrimonial home. It is alleged that the applicant, who is the mother-in-law of the prosecutrix, was present in the house on 10.08.2024 when the incident took place and did not help the prosecutrix. It is further alleged that the applicant instead slapped the prosecutrix and asked her not to disclose about the said



incident to anyone.

3. It is alleged that on 11.08.2024 when the prosecutrix disclosed about the said incident to her father-in-law, Bhupendra Singh, he also gave beatings to the prosecutrix and also locked her in a room. It is alleged that the accused Amandeep Singh again raped the prosecutrix on 18.08.2024 when no one was present at the home and on next day when the prosecutrix informed her husband about the same, he threatened to abandon her should she disclose about the incident to anyone.

4. It transpires that the prosecutrix left her matrimonial home sometime in October, 2024. Incidentally the complaint which led to registration of FIR was given belatedly sometime in January, 2025.

5. It is pointed out that the chargesheet has already been filed against the husband, father-in-law of the prosecutrix and the sister of the applicant and that the police also felt no need to arrest the said accused persons. The allegation against the applicant is that she abetted the accused Amandeep Singh, who has been absconding, in committing the rape of the prosecutrix. It is the case of the prosecution that the applicant was present in the house on 10.08.2024 when the accused Amandeep Singh established forceful sexual relations with the prosecutrix and that instead of helping her, the applicant allegedly slapped the prosecutrix.

6. From a perusal of the material on record, it is apparent that there has been a considerable delay in giving the complaint of the incident. As per the allegations, the role attributed to the applicant can be said to be similar to that of the father-in-law and the husband of the prosecutrix against whom the chargesheet has been filed without any need for custodial interrogation.



Evidently, the custody of the complainant is not required.

7. The applicant by order dated 14.02.2025 was granted interim protection, subject to her joining and co-operating in the investigation. The allegation against the applicant is one of abetting her son in the commission of the crime. The allegation from the investigation carried out at this stage, appears improbable.

8. The applicant, being a woman, is undeniably entitled to special consideration while dealing with the question of bail, in terms of the proviso to Section 480 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. In view of the above, the applicant, in the event of arrest, is directed to be released on bail on furnishing a personal bond of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall not contact the complainant or tamper with the evidence in any manner;
- b. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- c. The applicant will not leave the boundaries of the country without permission of the learned Trial Court;
- d. The applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;
- e. The applicant shall provide her residential address to the concerned IO/SHO and shall not change the same without informing the concerned IO/SHO.

10. In the event of there being any FIR/DD entry/ complaint lodged against the present applicant, it would be open for the State to seek redressal by way of cancellation of bail.



11. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.

12. The present bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 5, 2025

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