



\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 677/2025**
DEEPESH MITTALPetitioner

Through: Mr. Kundan Kumar, Advocate.

versus

THE STATE (NCT OF DELHI)Respondent
Through: Mr. Mukesh Kumar, APP.
Mr. Yudhishter Sharma, Mr. Rajesh
Kumar Bansal and Mr. Mukesh
Sharma, Advocates for complainant.
SI Sapna Yadav, P.S. K.N. Katju
Marg.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
07.05.2025

%

1. Through the present application under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 438 of the Code
of Criminal Procedure, 1973²), the Applicant seeks pre-arrest bail in terms
of FIR No. 616/2024 under Sections 376 and 506 of the Indian Penal Code,
1860³, registered at P.S. K.N. Katju Marg.

2. Briefly, the case of the prosecution is as follows:

2.1. The subject FIR was registered on a complaint made by one Smt. 'H',
who stated that she runs a beauty parlour at a property owned by the
Applicant and has been residing in the same property. She stated that she

¹ "BNSS"

² "Cr.P.C."



knew the Applicant and his family for over 6 years prior to the incident and gradually over time, the Applicant developed a friendship with her.

2.2 In her compliant, the Prosecutrix stated that on 25th January, 2024, since it was her birthday, the Applicant came to her house with a cake, cold drinks and some gifts. She alleged that he also gave her a chocolate to eat, and after consuming the same, she felt dizzy and the Applicant raped her. Furthermore, allegedly after making physical relationships with her, the Applicant consoled the Prosecutrix that he would marry her.

2.3 The Prosecutrix alleged that thereafter, the Applicant continued to make physical relationships with her till October, 2024, after which he refused to marry her on account of the two of them being from different religious backgrounds and blocked her mobile phone number. Therefore, on the basis of the above complaint, the subject FIR was registered under Sections 376 and 506 of IPC.

3. Counsel for the Applicant urges that the following grounds for seeking pre-arrest bail:

3.1. There are no prior criminal antecedents of the Applicant and the case against him is entirely false and baseless.

3.2 As per the allegations made in the subject FIR, the case of the Prosecutrix is primarily based on an alleged promise to marry. Moreover, as per her compliant, the alleged incident occurred for the first time on 25th January, 2024, till October, 2024, however, the subject FIR was registered on 12th December, 2024. Therefore, there is a considerable delay in filing of the present FIR.

3.3 Nonetheless, counsel for Applicant states that the Applicant is willing

³ “IPC”



to join the ongoing investigation, as and when directed by the Investigating Officer⁴ and shall fully cooperate with the same.

4. On 19th February, 2025, on hearing the submissions advanced by counsel for the Applicant, this Court directed that no coercive action would be taken against the Applicant, subject to him joining the investigation. Counsel for the Applicant states that in compliance with the said directions, the Applicant has duly appeared before the IO.

5. Mr. Mukesh Kumar, APP for State, on instructions from the IO who is present before the Court, confirms that the Applicant has joined the investigation. He further states that the investigation is now nearing completion and the chargesheet would be filed within a period of two weeks from today.

6. In light of the above, counsel for Applicant undertakes that the Applicant shall appear before the IO, as and when directed, in case his appearance is required any further.

7. In view of the undertaking made by counsel for the Applicant, the present application is allowed. Accordingly, it is directed that in the event of arrest, the Applicant shall be released on bail on furnishing a bail bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;

⁴ “IO”



- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall not contact the Prosecutrix or any of her family members;
- e. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- 8. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.
- 9. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
- 10. The application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

MAY 7, 2025

as