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

+ **BAIL APPLN. 694/2025 & CRL.M.A. 4938/2025**

MD YAMEEN

.....Petitioner

Through: Mr. Akshay, Mr. Ashish Sheoran and
Mr. Vishal Tiwary, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the State
with SI Ghan Shyam, P.S. Wazirabad.
Ms. Sakshi, Advocate with
complainant in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

03.03.2025

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1. An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for grant of regular bail in FIR No. 302/2024, under Sections 328/376 IPC registered at P.S.: Wazirabad. Chargesheet has been filed under Sections 323/328/376 IPC.

2. In brief, as per the case of prosecution, present FIR was registered on the basis of complaint lodged by prosecutrix on 02.04.2024 alleging that on 04.07.2023 as she was not well, her father-in-law (petitioner) gave her medicine and she fainted after taking medicine on which her father-in-law (petitioner) established physical relations with her. She further alleged that the incident was disclosed to her husband and mother-in-law who scolded and threatened her not to disclose the incident. Consequently, she did not disclose the incident to any one and on 09.07.2023, her mother-in-law left

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her at maternal house.

3. Learned counsel for the petitioner submits that the petitioner is in custody since April, 2024 and chargesheet has already been filed. He further submits that statement of the prosecutrix and her mother have already been recorded.

4. On the other hand, application is vehemently opposed by learned APP for the State alongwith learned counsel for the prosecutrix on the ground that benefit of delay in registration of FIR cannot be extended to petitioner, since the prosecutrix was in shock and as such the complaint could not be lodged.

5. I have given considered thought to the contentions raised.

Admittedly, the statements of material witnesses i.e. prosecutrix and her mother have already been recorded. As such, there is no possibility of influencing the material witnesses. It cannot be ignored that there has been delay of about nine months from 04.07.2023 till 02.04.2024 in lodging the complaint by the prosecutrix. Considering the facts and circumstances of the case, petitioner is admitted to bail on furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned at the time of release;
- (ii) In case of change of address, petitioner shall intimate / communicate his fresh address to the IO / SHO concerned as well as learned Trial Court;
- (iii) Petitioner shall not contact the prosecutrix or influence the



witnesses in any manner during pendency of trial;

Application is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 3, 2025/v