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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 743/2025**
ANITA JAINPetitioner

Through: Mr. Ritesh Tomar, MR. Varun
Mudgil, Mr. Rakesh Kumar and Ms.
Eti Kushwaha, Advocates.
versus

STATERespondent
Through: Mr. Amit Ahlawat, APP.
SI Preeti, PS. DIU M. Marg, New
Delhi.
Mr. Rajeev Sirohi and Mr. Shailendra
Singh, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
16.05.2025

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1. The present application filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 438 of the Code of Criminal Procedure, 1973²) seeks pre-arrest bail in case FIR No. 201/2024 dated 7th October, 2024, under Section 376 of the Indian Penal Code, 1860³, at P.S. Connaught Place, Delhi. During investigation, offences under Section 323/120B/34 of IPC have also been added against the Applicant.
2. The aforementioned FIR has been registered on a complaint made by Ms. 'X' alleging false promise of marriage by the son of the Applicant. As per the allegations in the FIR, the Complainant came in contact with the

¹ "BNSS"

² "CrPC"



Applicant's son i.e., Nitin Jain, through the matrimonial site "Shaadi.com". Gradually, the Complainant stated conversing with Nitin, the Applicant's son). When Nitin came to Delhi between 31st January to 4th February, 2024, the Complainant met him at Imperial, Janpath, on 1st February, 2024, where both of them talked and found compatibility as life partners. On 2nd February, 2024, their parents met and fixed their marriage. The Complainant alleges that on a false pretext of marriage, the Applicant's son had physical relationships with the Complainant, both in India and abroad.

3. The allegations against the Applicant are that she played an active role and has abetted and facilitated the alleged acts, by enabling the co-accused Nitin and supporting the Complainant's confinement when she went to visit Nitin in the United States of America.

4. Having regard to the afore-noted averments, the Court had by order dated 19th February, 2025, directed the Applicant to join investigation and appear before the Investigating Officer.⁴ Consequent to the aforesaid directions, the prosecution confirms that the Applicant appeared before the IO, and the investigation is now complete. The chargesheet in the present matter also stands filed.

5. In light of the above developments, since the investigation is completed, the Applicant's presence is no longer required for investigating purpose.

6. At this juncture, Mr. Amit Ahlawat, APP for State, and the Counsel for Complainant, submit that the Applicant is a green card holder in the United States, and therefore, poses a risk of absconding. In this regard, the

³ "IPC"

⁴ "IO"



Court has been informed that the Applicant's passport already stands deposited, as noted by SI Preeti in Seizure Memo dated 3rd December, 2024, in line with the directions passed by Additional Session Judge, Patiala House Courts, New Delhi *vide* order dated 30th November, 2024.

7. In view of the foregoing, the application is, therefore, allowed. In the event of arrest, the Applicant shall be released on bail on furnishing a bail bond for a sum of INR 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 not leave the country without the permission of the Trial Court, and whenever such an application is made, the Complainant shall be intimated of the same;
- b. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- c. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- d. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- 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 16, 2025/as