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

+ **BAIL APPLN. 1126/2025**

LAL CHAND

.....Petitioner

Through: Mr. Umesh Sharma, Ms. Shivani, Mr.
Ritesh Kaushik and Mr. Peeyush
Kaushik, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Shoaib Haider, APP for the State
with SI Renu, PS Wazirabad, Delhi.
Mr. Raj Kumar, Ms. Shivangi Singh,
Ms. Sangita Chauhan and Mr. Ashok,
Advocates for the Complainant.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

02.05.2025

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1. First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S. '*), has been filed on behalf of the Petitioner, Lal Chand for grant of Anticipatory Bail in FIR No. 81/2025 dated 08.02.2025 under Section 376/354D/506 of the *Indian Penal Code, 1860*, registered at Police Station Wazirabad.
2. It is submitted that the Anticipatory Bail Application preferred before the learned ASJ, was dismissed *vide* Order dated 12.03.2025.
3. It is asserted that the Applicant is not a previous convict and has no nexus to the commission of the alleged offence and that he has been implicated falsely in this present case.



4. The Petitioner asserts that he was a good friend of the Complainant as they were colleagues and were working in Yadvender Public School. They got married at Arya Samaj Mandir on 01.07.2020 and they established their relationship out of free will and consent. Pertinently, the Complainant had given a statement in writing to this effect. Copy of the Marriage Certificate and the photographs of the marriage, have been annexed along with the Application.

5. It is further submitted that the marriage of elder sister of the Complainant, was yet to be performed and thus, she requested the Applicant that she would join him in the matrimonial home after the marriage of the sister was finalised. She also promised that after marriage of elder sister, she would persuade her parents to perform her Vidai ceremony in the presence of family members/elders and neighbours and till then, they would not publicise about their marriage especially to her parents.

6. After the marriage, they were regularly meeting since they were working in the same School and were cohabiting as husband and wife. After the passage of three years in April, 2023, when the Applicant insisted that the Complainant should talk to her parents for her Vidai/Reception, she refused to join the Applicant and reiterated that he would have to wait till her elder sister got married. In the meantime, there were regular talks/chats between the Complainant and the Applicant in which she assured that she considered herself as wife of the Applicant and also shared a video wherein she was applying *sindoor* on her forehead.

7. In May, 2023, suddenly Complainant changed her job from Yadvender Public School and joined another Private School. She then told the Applicant, to stop contacting her as her family members had strictly



refused to accept their marriage, as she belongs to Brahmin family whereas the Applicant belongs to a Gujjar family. She also told that her parents were compelling her to file a Complaint against him if he insisted on residing with her.

8. The Applicant submits that the Complainant is the legally wedded wife. He stated that she was not contacting him and made phone calls to the brother of his wife on 12.06.2023, to enquire as to when she would join him. Instead of listening to his request, he started abusing and extended threats to him and warned him to remain away from the Complainant.

9. Thereafter, on 19.06.2023, he received a call from the Police official that some Complaint has been made against him. His mobile phone was kept by the police official, Mr. Sumit and he refused to return the same or to prepare any seizure memo.

10. Thereafter, the Anticipatory Bail Application was filed before the learned ASJ, which has been dismissed. In the aforesaid circumstances, the Anticipatory Bail is sought by the Applicant.

11. ***The Status Report has been filed on behalf of the State.***

12. *Learned Prosecutor* submits that though, he has joined investigations but the Applicant is not handing over his mobile phone and thus, is not co-operating in investigation and his Bail Application is opposed.

13. ***Learned counsel for the Complainant*** asserts that the alleged marriage in Arya Samaj Mandir was under the coercion and she was blackmailed by the Applicant, who is alleged to have her obscene photos and videos. It is further submitted that the alleged incident of rape had occurred on 14.02.2020 that is prior to the alleged marriage which is of July, 2020. Furthermore, the FIR has been registered only as a consequence of



Writ Petition filed by the Complainant. It is submitted that here is a case not only of stalking but also of taking advantage of the Complainant by putting her under fear and threat. Bail Application is, therefore, opposed.

14. Submissions heard and the record perused.

15. As per the Complaint, the Complainant was teaching in Yadvender Public School, Hanuman Kunj Sant Nagar Burari from 2018 till April, 2023 wherein Mr. Lal Chand, the Petitioner used to drive Eco Van for transportation of children/students. She further stated that she belongs to Orthodox Brahmin family and was afraid that her family members may make her stop to work in order to avoid the harassment by the Applicant, who used to stalk her. She started talking to him in February, 2020. He called her for a meeting and took her to his aunty's house at Wazirabad where he took her obscene photographs and also raped her.

16. Further in July, 2020, according to the Complainant, he was taken her to Arya Samaj Mandir and forced to marry him. Thereafter, 3-4 times, he forced her to accompany him to OYO and threatened that if she refused, he would harm the family. Therefore, she was compelled to establish physical relations against her wishes. She blocked the Face Book and changed the mobile number.

17. FIR has been registered on 08.02.2025 wherein the Complainant has asserted that she was for the first time raped in February, 2020. There is a Marriage Certificate of 01.07.2020, placed on record to show that prima facie they both had got married. The photographs are also annexed which prima facie do not reflect any coercion or pressure.

18. Considering the totality of the circumstances, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by



the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.35,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

19. The Petition stands disposed of in the above terms.

20. Copy of the Order be sent to the learned Trial Court for compliance.

NEENA BANSAL KRISHNA, J

MAY 2, 2025/RS