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

+ **BAIL APPLN. 1297/2024**

SHUAIB

.....Petitioner

Through: Mr. M.A. Hussain, Ms. Sami Ahmad,
Advs.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP
WSI Dinesh Kumari, WSI Neha
PS Mehrauli

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

27.02.2025

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1. This is a petition seeking grant of bail in F.I.R No.317/2023 under Sections 376/120B/506/34 of IPC registered at Police Station Mehrauli, New Delhi.
2. The brief facts of the case as per the prosecution are that in 2021 the prosecutrix met one Firoz and became friends. In 2022, Firoz introduced her to one Nadim and became friends with him as well.
3. On 30.03.2023, Nadim took the prosecutrix to a park and committed rape upon her.
4. Thereafter, Nadim kept on blackmailing the prosecutrix stating that he has recorded a video of her
5. Around 02-03.04.2022, Nadim called the prosecutrix to Meerut promising her to delete the said video.
6. When she reached Meerut, the petitioner met the prosecutrix at the bus stand as a friend of Nadim and took her to a room, where the petitioner committed rape upon the prosecutrix.



7. Thereafter, the petitioner blackmailed the prosecutrix stating that he has recorded a video of the alleged rape.
8. On 23.06.2023, the present FIR was filed against the petitioner.
9. Mr. Hussain, learned counsel for the petitioner states that the petitioner himself surrendered on 11.08.2023 before the learned ACMM and has been in custody since the said date.
10. In the present case, the petitioner has been in custody for about 18 to 19 months and there is no other criminal case registered against him.
11. The status report filed by the respondent does not state the reasons as to why the F.I.R was registered after a delay of 2 ½ months after the alleged incident took place. I am of the view that no satisfactory explanation has been given for the delay in the registration of the F.I.R.
12. Further, the petitioner is still an under trial prisoner and there is a presumption of innocence in his favour as per the basic tenets of criminal jurisprudence.
13. The prosecutrix has also been informed in writing regarding the bail application, however there is no appearance on her behalf.
14. For the said reasons, I am inclined to allow the present petition.
15. The present petition is allowed and the petitioner is directed to be released on bail subject to the following terms and conditions:-
 - a. The petitioner shall furnish a personal bond in the sum of Rs 10,000 (Rupees ten thousand only) each with 1 surety in the like amount, to the satisfaction of the concerned trial court;
 - b. The petitioner shall not leave the country without the permission of the concerned court and if the petitioner has a



passport, he shall surrender the same to the concerned trial court;

- c. The petitioner shall furnish to the IO concerned the cell phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched on at all times;
 - d. The petitioner will furnish his permanent address to the concerned IO and in case he changes his address, he will inform the IO concerned;
 - e. The petitioner shall not indulge in any act or omission that is unlawful, illegal or that would prejudice the proceedings in pending cases, if any;
 - f. The petitioner shall appear in Court on every date of hearing unless exempted;
 - g. The petitioner shall not communicate with, or come into contact with the complainant/prosecutrix or any of the prosecution witnesses, or tamper with the evidence of the case.
16. Nothing stated hereinabove shall tantamount to an expression of opinion on the merits of the case.
17. The petition stands disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 27, 2025

Click here to check corrigendum, if any