



\$~SB-4

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

+ **BAIL APPLN. 1571/2025 & CRL.M.A. 12394/2025**

SALMAN

.....Petitioner

Through: Mr. RHA Sikander, Mohd. Hasan,
Ms. Heema, Advs.

versus

STATE & ORS. & ANR.

.....Respondents

Through: Mr. Utkarsh, APP.
SI Shalini, PS Jafrabad.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

%

04.06.2025

1. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S) read with Section 528 of B.N.S.S., 2023 seeking Anticipatory Bail in FIR No. 139/2025 P.S. Jafrabad District Shahdara, in FIR No. 139/2025 under Sections 64(1)/123/351(2) B.N.S.S. 2023, at P.S. Jafrabad, District Shahdara.
2. The facts in brief as per the status report are that on 27.03.2025, the complainant 'I' daughter of 'IS' vide GD No. 58A filed a complaint against the applicant of committing rape upon her by giving some intoxicants on the pretext of giving her a job and threatening to make the video viral on social Media. Additionally, it is alleged that the applicant had threatened to kill the complainant.
3. The case of the complainant is that she met the applicant through Facebook and both of them started talking on the Facebook as well as on the



phone. It is also alleged by the complainant that she was looking for a job and that the applicant who stated to be running a shoe shop and a cloth shop had assured her that he would hire her. It is alleged further that on 28.02.2025, the complainant was asked to meet the applicant at Maujpur Metro Station at around 03.00 PM in the afternoon. The applicant had taken the prosecutrix to Crystal Oyo Hotel near the Metro Station on the pretext of talking. It is alleged that the applicant started molesting the complainant and gave her a Cold Drink. It is further alleged that on drinking the said Cold Drink, the complainant got drowsy and got unconscious and when she regained consciousness, she found that she was not wearing even a single piece of cloth and had experienced lot of pain in her private part.

4. It is further alleged that the applicant had made a video of the prosecutrix which he threatened to use against her by making it viral. It is also alleged that she was scared and therefore she did not file any complaint. However, after some time, she gathered the courage to file the complaint and the present FIR was lodged.

5. Learned Counsel for the applicant vehemently refutes the allegations in the FIR and in fact submits that the allegations in the FIR are not borne out from the records.

6. Learned Counsel appearing for the applicant submits that firstly the FIR is hit by delay and laches having been registered after 28 days of the alleged incident, for which no plausible explanation has been tendered by the prosecutrix or even by the prosecution.

7. It is stated further that the complainant/prosecutrix was sent to JPC Hospital for medical examination and while recording MLC No. 10223/2025, the applicant had refused to get her medical examination



conducted. This itself creates a doubt about the genuineness of the allegations.

8. That apart, learned counsel also submits that in the FIR, it is mentioned that the applicant had committed the alleged offence on the pretext of offering her a job, whereas in the statement of the prosecutrix under Section 183 of B.N.S.S, the complainant has changed her version to that of the alleged incident having occurred on account of promise of marriage. He submits that these are two contradictory and inconsistent statements which show the credibility of the prosecutrix in a poor light.

9. That apart, learned counsel submits that in order to come upfront and clean before the Court, the applicant is ready to join investigations as and when directed by the Investigating Officers and surrender his mobile phone on which it is alleged that some alleged video recording of the complainant/prosecutrix has been made.

10. Learned Counsel relies upon the judgment of a Co-ordinate Bench in *Krishan vs. State [Bail Application No. 3316/2021]* pronounced on 15.11.2021 which according to the learned counsel is identical on facts and therefore the decision of the said Judgment ought to be applied to the facts of the present case and the applicant be protected.

11. Learned counsel appearing for the prosecutrix opposes the submissions made by the learned counsel for the applicant and submits that even before the grant of anticipatory bail, the applicant is extending threats to the prosecutrix. Therefore the conduct of the applicant does not inspire any confidence.

12. The Court has heard argument of learned counsel for the parties and is not inclined to grant bail for the following reasons.



13. The contentions of the learned counsel for the applicant that the FIR has been lodged with a delay of 28 days does not impress this Court for the reason that in such circumstances where a woman undergoes such kind of physical and mental abuse, it is not unexpected for a lady to conceal such incident. It is likely that the prosecutrix may not have had the courage to come upfront and lodge a complaint and on that basis to submit that the delay would be fatal to the case of the prosecution, is unpersuasive and unmerited and the same is rejected.

14. From a perusal of the FIR, it is apparent that the prosecutrix had given sufficient reasons as to why she did not register the FIR immediately after the alleged incident.

15. So far as the issue of contradiction in the statement recorded under Section 183 of the B.N.S.S 2023 and the one recorded in the FIR i.e. 'the pretext of marriage' and the 'pretext of offering a job' respectively is concerned, the same is not relevant to be considered at this stage, while considering the issue on Anticipatory Bail. All the aforesaid issues are available to the applicant to take at the appropriate stage during trial.

16. So far as the recording of video and surrendering of the mobile phone is concerned, it is expected that the applicant would cooperate in any case with the prosecution as and when he is directed to appear. Yet, another relevant reason why this Court is not inclined to grant any protection are the reasons which have been furnished in the status report by the prosecution, particularly in Para 4 which reads as follows:-

"4. That on 28.02.2025, the complainant went to meet the above-mentioned Salman at Maujpur Metro Station. Salman met her there. At about 3:00 in the afternoon, Salman took the 'T' D/o 'IS' to Crystal Oyo Hotel near the metro station on the pretext of talking. After talking about random things



for a while, he started molesting the complainant. The complainant protested and got scared. Salman gave the cold drink which he had brought with him to the complainant to drink. On drinking it, the complainant started feeling drowsy and got unconscious. After that, when the complainant regained consciousness, she did not have a single piece of clothe on her body and she was experiencing a lot of pain in her private parts. She asked Salman what he had done and that she would complain against him to the police. Salman told the complainant that he had made a video of her and wherever he called her, she would have to come there.”

17. Keeping in view the aforesaid serious allegations made against the applicant, this Court is not inclined at all to indulge in granting any such concession.

18. In view of the above, the application is dismissed.

TUSHAR RAO GEDELA, J
(VACATION JUDGE)

JUNE 4, 2025
tanisha/neha