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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2655/2025 & CRL.M.A. 20674/2025

RAJESH KUMAR

.....Petitioner

Through: Mr. V.K. Dwivedi, Advocate.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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21.07.2025

[Physical Hearing/Hybrid Hearing (as per request)]

1. The accused/applicant seeks anticipatory bail in case FIR No. 171/2025 of PS Prasad Nagar for offence under Section 376 IPC.
2. Learned APP at the outset discloses that proceedings under Section 82/83 CrPC have already been initiated against the accused/applicant.
3. In response, learned counsel for accused/applicant submits that he has good case on merits as the FIR was registered almost 9 years after the alleged incident and there are repeated instances of sexual activity between the accused/applicant and the complainant *de facto*, which would reflect it to be a case of her clear consent. However, since the proceedings under Section 82/83 CrPC have been initiated learned counsel for accused/applicant seeks permission to withdraw this application with liberty to file appropriate proceedings before the trial court.
4. The application is dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

JULY 21, 2025/ry