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

+ **BAIL APPLN. 3815/2024**

RAVI KUMAR

.....Petitioner

Through: Mr. Chirag Madan, Ms. Ishti Tyagi
and Mr. Jitesh Yadav, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raj Kumar, APP for the State
along with SI Priyanka PS Samay Pur
Badli.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

16.01.2025

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CRL.M.A. 31670/2024

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 3815/2024

3. The present bail application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter 'BNSS') has been filed on behalf of the applicant/accused, seeking grant of regular bail in case arising out of FIR bearing no. 412/2024, registered at Police Station Samaipur Badli, Delhi, for offences punishable under Sections 376/323/354/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
4. Briefly stated, the facts of the present case are that on 25.04.2024, an information was received at Police Station Samaypur Badli, Delhi, wherein



it was alleged that the accused/applicant had forcefully established physical relations with the Complainant on various occasions. After receiving the PCR Call, the Investigating Officer (IO) had conducted an enquiry with the complainant. The counseling of the victim was also got conducted by NGO Counsellor. Upon enquiry, the complainant had stated that she had met the accused Ravi Kumar on Instagram, two years ago. The Complainant had alleged that on 02.10.2023, the accused had taken her to a hotel at Samaypur Badli, to give a birthday party and had forcefully established physical relations with the Complainant on the pretext of marrying her. Thereafter, on 10.03.2024, the accused had taken the Complainant to Kali Mata Mandir, Jahangirpuri, Delhi, and had completed some rituals of wedding. The accused had also taken the signatures of the Complainant on some papers. When the fact of the complainant's marriage came to the knowledge of her mother, she was asked to leave the matrimonial home. The accused had then taken the Complainant to his home in Jahangirpuri, Delhi, where the uncle of the applicant/accused herein, who is an Astrologer, had also taken her inside the room, and had forcefully established physical relations with her. When the prosecutrix narrated the above incident to the applicant/accused, the applicant/accused asked her not to tell anything to anyone and later on, he had taken her to a rented home in Mukundpur, Delhi. It has further been alleged in the complaint that on 04.04.2024, the father of the applicant/accused had come to their rented home and had taken the applicant/accused with himself. Thereafter, in night applicant/accused had come in a drunken condition and had physically assaulted the Complainant. The applicant/accused had left the home in the morning and since then, the complainant has no knowledge of the whereabouts of the applicant/accused



and his family members. On the basis of the statement of the victim, the present FIR was registered.

5. The learned counsel appearing for the applicant/accused has argued that the applicant/accused has falsely been implicated in the present case, and the applicant/accused is in judicial custody, since 16.05.2024. The learned counsel submits that the applicant/accused herein has a clean antecedent, and has never been involved in any other criminal case. It is submitted that the present FIR has been lodged by the complainant only to extort money from the applicant/accused. It is also submitted that since the charge-sheet has been filed in the present case, no custodial interrogation of the applicant/accused is required. It is further submitted that there is a considerable delay in lodging the present FIR. It is further submitted that neither any rent agreement has been placed on record to corroborate that the applicant/accused and the victim were staying in a rented accommodation, nor any statement of any neighbor has been recorded by the IO. Thus, the present applicant/accused be enlarged on bail.

6. *Per contra*, the learned APP for the State argues that the allegations against the present applicant are serious in nature. It is submitted that the prosecutrix in her statement under Section 164 of Cr.P.C. had supported the case of the prosecution. It is stated that granting bail to the applicant can prejudice the Trial. Thus, it is prayed that the present application be dismissed.

7. This Court has heard arguments advanced on behalf of both the parties, and has also gone through the record.

8. The prosecutrix did not appear despite being served on the last date of hearing. On the date fixed today, when the matter was heard, the IO stated



that the prosecutrix had switched off her mobile phone, and when an attempt was made to serve her a day before, the IO came to know that she has shifted to an unknown place and her whereabouts were not known to anyone. Therefore, this Court had proceeded to her, the bail application.

9. Be that as it may, on the basis of the arguments addressed by the learned APP for the State, and having given its consideration to the allegations leveled in the statement recorded under Cr.P.C., the complaint, this Court is of the opinion that in the present case, the prosecutrix is about 24 years of age, and she herself states that she was living with the accused for about two years. The Complainant stated that the accused had married her by following some Hindu rituals in a temple, and thereafter, her mother had told her to live with the accused as they were married to each other. Resultantly, since her mother had asked her to leave the parental home and live with the accused being married to him, she had started living with him. Later on, she stated that the accused and his family was not traceable after a quarrel had taken place between the accused and herself. The fact that she was living with him and her family knew about the same cannot be lost sight of at this stage. This Court notes that she has also stated in her statement that the present accused had saved her when the brother of the accused and his friends, in his absence, had tried to misbehave with her. The present whereabouts of the prosecutrix are not known, though she was asked by the I.O. to remain present in Court. The accused has been in judicial custody since 16.05.2024.

10. Considering the overall facts and circumstances of the case, this Court is inclined to grant regular bail to the applicant on the applicant/accused furnishing personal bond in the sum of Rs. 10,000/- with one surety of the



like amount, to the satisfaction of the Learned Trial Court/ Successor Court/ Link Metropolitan Magistrate/ Duty Metropolitan Magistrate concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers, shared by him with the Police.
 - ii) The applicant shall not leave the country without prior permission of the concerned Trial Court.
 - iii) The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.
 - iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court.
 - v) The applicant shall regularly appear before the learned Trial Court.
11. Accordingly, the present bail application stands disposed of.
 12. Nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.
 13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 16, 2025/A

[Click here to check corrigendum, if any](#)