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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4150/2024, CRL.M.A. 34181/2024**
SURAJ @ ROHAN @ MR PAGLUPetitioner

Through: Mr. Rahul Gupta, Ms. Suroor
Mander, Mr. Kumar Nikhil, Mr.
Gaurav, Mr. Pradeep Singh Kansal,
Mr. Sumit Kumar Gupta, Advs.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Aashneet Singh, APP with SI
Praveen Kumar, PS Sarita Vihar
Mr. Mihir Samson, Mr. Sitamsini
Cheru, Mr. Pradip Kumar Singh,
Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.02.2025

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1. This is a petition seeking bail in FIR No. 246/2023 under Sections 323/377/342/384/506/386/34 IPC registered at PS Sarita Vihar.
2. It is stated that the complainant became friends with one boy (accused No. 1, hereinafter called CCL) through Grinder app.
3. The CCL through his mobile phone called complainant to Mohan Estate Cooperative Metro Station for a hook up.
4. From there, the CCL took the complainant to Aali Village at around 8 pm and thereafter 3 friends of CCL also joined the group.
5. The petitioner is one of the 3 friends.



6. Thereafter, there are allegations of all of them engaging in oral sex.
7. Additionally, the petitioner as well as other accused persons also demanded 2 lakhs from the complainant otherwise they would make the video of the complainant viral.
8. The complainant through his friend made a transfer of Rs. 33,468/- through paytm account to the petitioner.
9. Ms. Mander, learned counsel for the petitioner states that in the present case, the incident of oral sex is consensual.
10. She further states that the chargesheet has already been filed.
11. The petitioner has already been identified in the TIP and hence there is no requirement of the petitioner to be kept in jail any further.
12. There is a presumption of innocence in the favour of the petitioner and the prosecution is yet to prove the allegations against the petitioner.
13. She further states that the petitioner is in custody since 07.05.2024 and till today charges have not been framed and hence there is no likelihood that the trial will conclude in the near future.
14. In addition, she states that in case the SC/ST Act is invoked against the petitioner, the trial would further take more further time.
15. I have heard learned counsel for the parties.
16. In the present case, as noted above, the allegations against the petitioner are of a serious nature.
17. The amount of Rs. 33,468/- has been verified as having been transferred to the petitioner's account
18. Additionally, the mobile phone of the petitioner has been sent to FSL for forensic analysis.
19. The complainant is yet to be examined and today in view of the



seriousness of the allegations, the petitioner influencing the complainant cannot be ruled out.

20. The petitioner did not join investigation when called and was absconding for about 1 year and only after issuance of NBWs, the petitioner was arrested.

21. The petitioner also contacted the complainant through Instagram requesting him to withdraw the complaint.

22. For the said reasons, I am of the view that the petitioner influencing the complainant before his evidence is led cannot be ruled out.

23. Additionally, if the petitioner is granted bail, the fact that he will jump bail and abscond cannot be ruled out as the petitioner did not join investigation in the past and NBWs had to be issued against him.

24. For the said reasons, I am not inclined to entertain the present petition and the same is therefore dismissed.

JASMEET SINGH, J

FEBRUARY 25, 2025/DM

Click here to check corrigendum, if any