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

+ **BAIL APPLN. 4615/2024**

SUNIL KUMAR RANA

.....Petitioner

Through: Mr. Manoj Kumar Duggal, Mr.
Hunny Singh, Advs.

versus

STATE (N.C.T. OF DELHI) & ANR.

.....Respondent

Through: Mr. Pradeep Gahlot, APP
SI Sapna Yadav, PS K.N. Katju Marg

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.01.2025

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1. This is a petition filed under Section 483 of BNSS, 2023 seeking grant of regular bail to the petitioner in FIR No. 181/2023, dated 16.05.2023, registered at PS K.N. Katju Marg under sections 376/506 of IPC, 1860. The chargesheet has also been filed under sections 376/506 of IPC, 1860.
2. In the present case, the petitioner has been in custody since 17.05.2023.
3. As per the FIR, the allegation against the petitioner is that the petitioner made physical relations with the complainant without her consent on the pretext of marriage. Further, the petitioner also extracted money from the complainant. In addition, the petitioner also threatened the child of the complainant.
4. Hence the present FIR has been registered.
5. Mr. Duggal, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He states that the petitioner has been in custody since 17.05.2023 and has undergone



incarceration for a period of 1 year and 8 months.

6. He further states that there is an inordinate delay of 5 years and 9 months in registering the FIR. He states that the alleged incident took place on 09.08.2017 and the FIR has been registered on 16.05.2023. He submits that till date the charges have also not been framed against the petitioner.

7. He further states that the relation between the petitioner and the complainant was consensual.

8. *Per Contra*, Mr. Kumar, learned counsel on behalf of the respondent appears along with the complainant and submits that the petitioner has threatened the complainant as well as her daughter and has established physical relationships with the complainant on the false pretext of marriage. Further, the charges have also not been framed against the petitioner and there is an apprehension that the petitioner might tamper with the prosecution evidence or the prosecution witnesses.

9. He states that the petitioner had earlier also filed 8 bail applications before the learned Sessions Court and all of them were rejected.

10. He further states that the privacy of the complainant was also earlier breached by the petitioner as the mobile number of the complainant was circulated by the petitioner through his WhatsApp Number and his Facebook profile. Hence, the privacy of the complainant was also violated.

11. I have learned counsels for the parties.

12. In the present case, the allegations against the petitioner are serious and grave in nature and the petitioner is accused of committing rape on the complainant on the pretext of marriage, however the fact remains that the petitioner is still and under trial prisoner. The charges against the petitioner are yet to be framed and the trial is unlikely to conclude in the near future.



Till the trial is concluded, the petitioner is presumed to be innocent.

13. The petitioner has already undergone incarceration for a period of around 1 year and 8 months.

14. The rights under Article 21 of the Constitution of India are paramount and every accused is entitled to a speedy trial.

15. In addition, the alleged incident took place on 09.08.2017 and the FIR was registered on 16.05.2023 which amounts to an inordinate delay of 5 years and 9 months and no reason has been given as to why there is a delay of more than 5 years in registering the FIR. Further, the prosecutrix is aged around 42 years having 2 kids and hence, cannot be presumed to be a gullible person.

16. The apprehensions of the complainant that the petitioner will tamper with the prosecution evidence or the prosecution witnesses can adequately be taken care of by imposing restrictions.

17. For the said reasons, the petition is allowed and the petitioner is directed to be released on bail in FIR No. 181/2023, dated 16.05.2023, registered at PS K.N. Katju Marg 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) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The petitioner shall provide his mobile number to the concerned Investigating Officer (IO), which shall be kept in working condition and switched on at all times. The petitioner shall also provide his permanent residential address and in case of change of residential address or contact details, the petitioner



shall promptly inform the same to the concerned IO as well as to this Court;

- (c) The petitioner shall not leave the country without permission of the competent Court during the bail period and surrender his passport, if any, at the time of release before the Jail Superintendent;
- (d) The petitioner shall not communicate with, or come into contact through e-mail, WhatsApp or message with the prosecutrix, or any member of her family including her daughter;
- (e) The petitioner shall not be in the vicinity of the prosecutrix or any of her family members;
- (f) The petitioner shall not directly/indirectly try to get in touch with any prosecution witnesses or any of their family members through phone, mobile, WhatsApp or any other mode;
- (g) The petitioner shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any

18. The petition stands disposed of in the aforesaid terms

19. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

JASMEET SINGH, J

JANUARY 28, 2025/sp

Click here to check corrigendum, if any