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

+ **BAIL APPLN. 4777/2024**

MOHIT PANDEY

.....Petitioner

Through: Mr. Harish Kr. Gupta and Mr. Gaurav
Sharma, Advs.

versus

STATE NCT OF DELHI

....Respondent

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

07.04.2025

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1. Learned counsel for the petitioner submits that it is a case of honey trap. The petitioner and the complainant were in the consensual relationship. However, later on, with a view to extort money, petitioner has been falsely implicated in this case.
2. It is submitted that as per the FIR, the first incident of rape took place in the month of July 2023 but in her statement recorded under Section 164 Cr.P.C, the prosecutrix had stated that the incident was taken place in the month of June. It is further submitted that prosecutrix was well aware that the petitioner is a married person and therefore, it was not possible for him to marry her, and despite the same, she has established sexual relationship with the petitioner with consent and later falsely implicated him for extorting money. It is further submitted that the prosecutrix has been



demanding money from the petitioner through her uncle and in this regard, petitioner has the photographs of handing over money to the uncle of the prosecutrix. It is also submitted that there is no recovery of video of the incident from the mobile phone of the petitioner. It is submitted that petitioner is in custody since the date of his arrest. The investigation is complete and he is not required for any further investigation. He has clean antecedents and is not involved in any other criminal case.

3. The bail application has been opposed by the learned APP arguing that the allegations against the petitioner are grave and serious in nature. It is submitted that the petitioner forcibly raped the prosecutrix for a continuous period of six months on the false pretext of marriage and by extending threat to kill her in case she told about the same to anyone. It is argued that there is every possibility that in case petitioner is granted bail, he may threaten or intimidate the witnesses.

4. The prosecution case as per the FIR is that the prosecutrix and her family started residing in the rented premises in the month of June 2023. Petitioner was also residing with his family and was running a grocery shop in the same house. In the month of July, prosecutrix went to the shop of the petitioner for buying surf. Petitioner told that no surf was available in the shop and asked her to take the same from the room. The prosecutrix then went inside the room. The petitioner closed the door and had physical relationship with her against her consent. Even thereafter, petitioner used to establish physical relations with the prosecutrix, under the threat of making her video viral.

5. Prosecutrix went to her native village and after coming back from the village, she felt pain in her stomach and on examination she found that she



was pregnant, thereupon she narrated the whole incident to her mother on 27.12.2023 and whereupon police was informed and FIR was lodged.

6. Admittedly, as per the FIR the first incident is of the month of July but as per the statement recorded under Section 164 Cr.PC, the first incident of rape took place in the month of June. It may not be appropriate at the stage of bail to consider such like contradictions, and the same would be considered at the appropriate stage during trial. The perusal of the MLC shows that at the time of examination, the prosecutrix was 25 weeks' pregnant. The foetus has been sent for DNA examination. The FSL report is still awaited. The case is still at the initial stage. The allegations qua the petitioner are specific and are grave and serious in nature.

7. The question as to whether the FIR has been lodged to extort money is a matter of defence of the petitioner which needs to be proved during the course of trial. At this stage, an elaborate examination of evidence and detailed reasons touching the merits of the case, which may prejudice either of the parties needs to be avoided.

8. Hence keeping in view the entire facts and circumstances, and in particular the nature and gravity of allegations, I am not inclined to grant bail to the petitioner at this stage. The bail application is therefore dismissed.

RAVINDER DUDEJA, J

APRIL 7, 2025/ib