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

+ **BAIL APPLN. 4843/2024 & CRL.M.A. 39347/2024**

BABU LAL

.....Petitioner

Through: Mr.Abhik Kumar, Mr. Rinku Mathur,
Mr. Deepak Girdhar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Anjali Rathi, D No. 29511, DIU/C
Mr. Dushyant Mudgil, for
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.02.2025

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1. This hearing has been done through hybrid mode.
2. The present case was listed for 05.02.2025, however, owing to Delhi Legislative Assembly Elections, 2025, the matter is taken up for hearing on 06.02.2025.
3. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 438 of Cr.P.C. has been filed for the grant of anticipatory bail in case FIR No. 0677/2024 under Sections 376/506 of the IPC registered at PS Pahar Ganj.
4. The present FIR was registered at the instance of the complainant/survivor, wherein she alleged that her husband was employed by the present applicant at a general store run by him. It is alleged that the applicant had increased the salary of the complainant's husband and, on one occasion, the applicant had asked the complainant to accompany him for a business meeting



at Hotel Suvidha Deluxe in Pahar Ganj. It is further alleged that at the said hotel, the applicant committed non-consensual and forced sexual relationship with her. Status report dated 27.01.2025 has been filed in the present case wherein it has been recorded as under: -

“6. That on 03/01/2025 accused Babulal S/o Raja Ram joined investigation at DIU/C. His medical examination/Potency test was got conducted vide MLC no. 116828981 at Lok Nayak Hospital, New Delhi and MLC no. 1/25 at Maulana Azad Medical College. His interrogation report was prepared and he was bound down. Again on 18/01/2025 he joined investigation at DIU/C and his interrogation report was prepared.

7. That during the course of investigation, the hotels where the incident took place were given notices J/s 94 BNSS and records were obtained. As per the record of Mohit Guest House, 647, 6 Tooti Chowk. Main Bazar, Paharganj, New Delhi, the Manager of the Hotel Sh. Naushad Husen presented the photocopies of the visitor register of the hotel and the related IDs of visitors. The same were taken into police possession through seizure memo. As per the record of Visitor register of Mohit Guest House, victim M, her sister V, her brother S and accused Babulal visited it on 17/8/22, the entry is found at serial no. 4228 and on 31/8/22, entry of which is found at serial no. 4600. Also Victim M and accused Babulal's entry was found on 31/10/22 at serial no. 6527 and on 07/12/22 at serial no. 7178.

8. That regarding the incident on 28.7.24 Hotel Suvidha Delux, 3335, Gali Hari Mandir, Keshav Walan, Paharganj, New Delhi was served notice U/s 94 BNSS. On which Hotel Manager told that as per the records of visitor register of the hotel, no entry of such date by the name of complainant and accused person was found. Regarding the CCTV footage he told that, the footage is only preserved for 30 days, hence no footage of 28.7.24 could be obtained.

9. That during the course of investigation, letters to obtain the CDR, CAF and Location details of the concerned mobile numbers of the complainant, her family and accused Babulal in the present case have already been sent to the concerned Nodal officers. The reply of which is awaited.



10. That after completion of investigation chargesheet was filed in the Hon 'ble Concerned Court, Tis Hazari Courts on 24/01/2025 and next date of hearing is 11/02/2025 for consideration.”

5. Learned counsel appearing on behalf of the applicant submits that before the registration of the present FIR, the complainant had also filed a complaint at the Sadar Bazaar Police Station regarding some monetary dispute which was settled on behalf of the complainant on 23.09.2023. In the said statement of 23.09.2023, it is pointed out that the complainant has admitted that she and the applicant were in a consensual relationship and after receiving an amount of Rs. 5,50,000/-, she had given a statement that she did not want to pursue her complaint further.

6. *Per contra*, learned counsel appearing on behalf of the complainant submits that the husband of the complainant is the eye-witness of the incident as he was present when this alleged incident had taken place. It is further submitted that the applicant has been extending threats to the complainant.

7. Heard the learned counsel for the parties and perused the records.

8. On a pointed query, learned APP appearing on behalf of the State on instructions of the Investigating Officer submits that the statement dated 23.09.2023 has been verified. It is further stated that no incident has come on record to reflect that the applicant has been threatening the complainant.

9. The chargesheet in the present case stands filed on 24.01.2025 before the concerned Trial Court. The versions of the applicant as well as the complainant is a matter of trial.

10. In the totality of facts and circumstances, the application is allowed. In the event of arrest, the applicant is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount to



the satisfaction of the Investigating Officer/Arresting Officer/Trial Court/Link Court, further subject to following conditions:

- i. The applicant shall not leave the country without prior permission of the learned Trial Court.
- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iv. The applicant shall join the investigation as and when called by the Investigating Officer concerned.
- v. The applicant will not try to influence the witnesses in any manner.
- vi. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
11. The application is allowed and disposed of accordingly.
12. Pending application(s), if any, also stand disposed of.
13. Needless to state, nothing mentioned hereinabove is an opinion on the merits of the case and any observations made are only for the purpose of the present anticipatory bail application.
14. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

FEBRUARY 6, 2025/kr/sc

Click here to check corrigendum, if any