



2025:DHC:6563



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

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*Date of Decision: 07.08.2025*

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**BAIL APPLN. 741/2025 & CRL.M.A. 7314/2025 (stay)****MR RAVINDER MALIK**

.....Petitioner

Through: Mr. Lakshay Yadav, Mr. Gaurav Sharma, Mr. Gaurav Kumar and Mr. Yashvir Singh, Advocates.

versus

**STATE OF NCT OF DELHI & ANR.**

.....Respondents

Through: Ms. Manjeet Arya, APP for State with Inspector Shishpal, SI Pooja and SI Divya Yadav, PS Nihal Vihar  
Mr. Arun Kumar Khatri, Advocate for Complainant.

**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No. 1335/2024 of PS Nihal Vihar for offence under section 64(2)(m)/351(3) BNS. As reflected from record, vide order dated 10.03.2025, the predecessor bench granted interim protection from arrest to the accused/applicant, which protection continued before different benches on date to date basis. Today, I have heard learned counsel for accused/applicant and learned APP assisted by IO/SI Pooja. I have also heard at length learned counsel for prosecutrix.

2. Briefly stated, prosecution case as unfolded through FIR lodged by prosecutrix is as follows. The prosecutrix, after separating from her husband is residing in Nihal Vihar with her two daughters and is running a beauty



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parlour. In the same lane, a finance company is being run by one Vinay Malik and Kala @ Ravinder Malik (*the accused/applicant*). In the month of June-July 2024, she took a sum of Rs.1,65,000/- on loan from the accused/applicant and paid back the same in instalments with interest to the total tune of Rs. 1,85,000/-. Whenever the prosecutrix used to go to the office of the accused/applicant to pay back the instalments, he used to blackmail her, insisting her to join him to open a spa, for which she was not agreeable. In the month of September 2024, on gun point, the accused/applicant established physical relations with her and thereafter he continued her sexual exploitation repeatedly after threatening her. On 25.10.2024, the accused/applicant called her to his office and after raping her, locked her beauty parlour. It is on 21.12.2024 that she lodged her complaint, which was registered as FIR.

3. Against the above backdrop, learned counsel for accused/applicant contends that the accused/applicant has been falsely implicated in this case by the prosecutrix in order to pressurize him not to demand repayment of loan. It is submitted by learned counsel for accused/applicant that in the afternoon on 25.10.2024 (*the date of the alleged rape*) itself, the prosecutrix visited office of the accused/applicant (*where the alleged rape had occurred*) to settle the accounts, which was captured in the CCTV installed in his office. According to the accused/applicant, at the time of the said meeting, one Ms. Sheela, a friend of the prosecutrix was also present and the CCTV footage reflects no signs of any rape.



4. So far as the prosecution side is concerned, a detailed status report was filed reflecting that the prosecutrix has not been joining investigation. Learned APP addressed at length that even the whereabouts of Ms. Sheela were not being disclosed by the prosecutrix, so after further investigation, the IO tracked down Ms. Sheela and called her up to join investigation, but Ms. Sheela stated that she would respond to the queries of the IO only in the chamber of her counsel, therefore, the IO visited the chamber of the counsel in Rohini Court but the chamber was found locked. According to prosecution side, the prosecutrix is deliberately avoiding to join investigation.

5. Learned counsel for prosecutrix argued that the local police is helping the accused/applicant and has not been investigating the case properly. It is contended that initially the police did not take any action, so the prosecutrix had to approach the higher authorities, under whose directions the FIR was registered. Because of the prosecutrix having approached the higher authorities, the IO became vindictive and started supporting the accused/applicant, as per learned counsel for prosecutrix.

6. As reflected from order dated 02.04.2025, on that day one of the arguments raised before this Court was that FIR does not disclose even approximate time during which the alleged incident of rape took place. In response, on that day, learned counsel for prosecutrix after obtaining her instructions had stated that the alleged incident of rape took place between 08:15am and 09:45am. In order to test correctness of the stand taken by the



accused/applicant that at that time he was not even present around his office, IO was granted time to investigate further and on the next date, the IO stated that she was not able to access the google timeline presence of the accused/applicant during that time period.

7. However, today the IO has played in the courtroom the CCTV footage of office of the accused/applicant. It is explained by learned APP that the said CCTV footage was captured on the mobile phone of the accused/applicant. The said CCTV footage played in the courtroom reflects Vinay Malik sitting in the office with the prosecutrix and Ms. Sheela, apparently settling the accounts over phone call with the accused/applicant.

8. The alleged incident of rape occurred between 08:15am and 09:45am on 25.10.2024, according to the prosecutrix. The CCTV footage mentioned above shows the prosecutrix and Ms. Sheela sitting with Vinay Malik on the same day at 02:30pm in the same office, where the alleged offence of rape took place on the same morning. In the said CCTV footage, it is depicted that Ms. Sheela is talking with the accused/applicant over phone. Initially, Ms. Sheela requests the accused/applicant to give time to the prosecutrix till Diwali to pay back the loan amount, but thereafter Ms. Sheela warns the accused/applicant that he would lose the entire amount. Regarding this conversation, separate statement of Ms. Sheela also has been recorded by the IO and shown to me. On the basis of the aforesaid, learned counsel for the accused/applicant contends that it is a clear case of false implication by the prosecutrix, otherwise it is not believable that having suffered rape between



08:15am and 09:45am, the prosecutrix would go back to the same place by about 02:30pm on the same day to settle the accounts.

9. At this stage, learned counsel for prosecutrix submits that the prosecutrix was illegally detained by the accused/applicant after rape till 02:30pm in his office and Ms. Sheela reached there after getting a phone call from the prosecutrix.

10. The said CCTV footage of 02:30pm is a part of investigation file. Keeping in the mind the stage of investigation, it would suffice to record that the CCTV footage does not depict any sign to convince presently about the alleged forcible detention of the prosecutrix in that office, much less the alleged rape having taken place few hours earlier. However, I must add a cautious rider that examination of the footage would be a matter of trial.

11. I have also examined the extensively detailed status report submitted by prosecution side, which shows that the prosecutrix has been deliberately not joining the investigation. It appears that the prosecutrix did not join for her statement under Section 164 CrPC and even for her medical examination. Contention of learned counsel for accused/applicant is that the prosecutrix was waiting for the accused/applicant to unlock her beauty parlour without paying back the loan amount.

12. At this stage, learned counsel for prosecutrix submits that on 21.02.2025 the local police illegally picked up her son and illegally detained



him in police station regarding which she lodged complaint dated 24.02.2025. Regarding this delayed complaint also, learned APP has read over from the concerned case diary that son of the prosecutrix, who is living with husband of the prosecutrix, was called to the police station in connection with a completely different complaint lodged by husband of the prosecutrix. Rather, son of the prosecutrix gave a statement to the local police alleging about illegal activities on the part of the prosecutrix.

13. Considering the above circumstances, I find no reason to deprive the accused/applicant liberty. Therefore, the application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the IO/SHO concerned. It is specifically directed that the accused/applicant shall not contact the prosecutrix in any manner whatsoever and shall join investigation as and when directed by the Investigating Officer in writing.

14. It is reiterated that the above discussion is confined only to the extent of deciding the present Anticipatory Bail application and shall have no bearing on the final outcome of the investigation and trial.

**GIRISH KATHPALIA  
(JUDGE)**

**AUGUST 7, 2025/as**