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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 3577/2023

VIDHYADHAR BASWALA

..... Petitioner

Through: Mr.Rohit Kumar and Mr.Naveen
Kumar, Advocates.

versus

STATE GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr.Ajay Vikram Singh, APP for the
State with W/SI Rachna, PS Civil
Lines.

Mr.Faraz Maqbool, Ms.Sana Juneja
and Ms.Vismita Diwan, Advocates
for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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06.02.2024

1. Application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner/applicant for grant of anticipatory bail in FIR No. 192/2023 under Sections 313/323/506 IPC registered at P.S. Maurice Nagar, New Delhi.

Investigation in the said FIR is stated to have been transferred to P.S. Civil Lines at request of complainant.

2. Learned counsel for the petitioner submits that earlier petitioner alongwith prosecutrix were in consensual relationship and FIR No.131/2022 under Sections 376/313/420/506 IPC was registered at P.S. Maurice Nagar at the behest of the prosecutrix. It is submitted that petitioner in the aforesaid case was not granted anticipatory bail though the prosecutrix had appeared



before Sessions Court on 20.01.2023 and had submitted that the matter has been resolved. However, bail application was declined by learned Sessions Court. In the meantime, charge-sheet was filed and the petitioner was directed to appear before the learned trial court in BAIL APPLN. 266/2023 vide order dated 26.09.2023 by this Court, which is admitted by learned counsel for the prosecutrix.

3. It is further the case of petitioner that thereafter prosecutrix as well as petitioner again resumed their relationship. However, again FIR No.192/2023 under Sections 313/323/506 IPC has been registered at the behest of the prosecutrix with regard to the alleged second abortion. The present BAIL APPLN. 3577/2023 has been preferred in aforesaid FIR.

4. Learned counsel for the petitioner submits that, the relationship between the petitioner and prosecutrix has been consensual and the petitioner has joined investigation pursuant to directions vide order dated 22.12.2023, passed by Hon'ble Mr. Justice Saurabh Banerjee.

5. Application is opposed by learned APP for the State alongwith learned counsel for the prosecutrix. Learned counsel for the prosecutrix submits that the prosecutrix was constrained to enter into physical relationship, since the petitioner was in possession of photographs and videos of the prosecutrix. It is submitted that the aforesaid fact came on record in earlier FIR No.131/2022, which was registered under Sections 376/313/420/506 IPC. It is further submitted that witnesses may be influenced in case the petitioner is admitted to anticipatory bail.

6. At the outset, it may be observed that present application pertains to FIR No. 192/2023 as the alleged relationship continued by prosecutrix despite registration of earlier FIR No.131/2022. The present FIR



No.192/2023 has not been registered under Section 376 IPC but only under Sections 313/323/506 IPC. Petitioner has already joined the investigation, which is admitted by learned APP for the State, on instructions of IO.

Considering the totality of facts and circumstances, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of IO/SHO, PS concerned and subject to following conditions:

- i. Petitioner is directed to join the investigation, as and when directed;
- ii. Petitioner shall provide his mobile number to the Investigating Officer (IO) / SHO concerned and inform I.O., if he leaves NCT of Delhi; and
- iii. Petitioner shall not influence witnesses in any manner.

7. It may further be observed that present order has been passed in FIR No. 192/2023 and application, if any, preferred in FIR No. 131/2022, PS: Maurice Nagar, shall be considered uninfluenced by any observations made in the present application.

Application is accordingly disposed of.

Nothing stated herein shall tantamount to expression on merits of the case.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 6, 2024/v