

Present :- Sh. [REDACTED] Singh, Ld. Addl. PP for State alongwith
complainant. Ld. Counsel for the complainant and the IO.
[REDACTED] and [REDACTED], Ld. Counsels for
the applicant.

This is a bail application filed on behalf of accused [REDACTED]

The applicant is the distant relative of the husband of the
complainant.

According to the FIR, on [REDACTED] when the
complainant was celebrating the Holi function at her brother's house,
the accused also came there to celebrate Holi with other co-accused
being a relative. The co-accused who is the husband of the victim
allegedly spiked the drink of the complainant. Thereafter, the
complainant came to her father's house as she was feeling unwell and
went to sleep in her father's house. After sometime she realised that
the co-accused husband and this accused alongwith other accused
were making her video and all of them had intercourse with her.
According to the complainant, as she was semi conscious due to the
spiked drink, she could not resist the act. Later on, the same day she
asked her husband about the incident and the husband said that the
entire physical act has been video recorded by him and if the
complainant would tell anyone about this incident he would share that
video recording with many people, thus causing humiliation to the

complainant.

After this incident, the complainant and her husband went to Mumbai where they continued to reside and the complainant did not tell anyone about the incident. Again in her matrimonial house in Mumbai, the mother in law of the complainant told her that she would have to enter into physical relations with other men else the video of the earlier incident would be shared with many people by her husband. The complainant informed of this incident to her parents in Delhi on and then the present FIR was lodged.

Ld. Counsel for the accused seeks bail on the ground that accused is the relative of the husband of the complainant and the entire dispute arose only over some gold transaction as some gold was promised to be gifted to the complainant by the husband in the marriage but was not gifted because of which this fake FIR has been launched.

On the other hand, Ld. Counsel for the complainant and Ld. Addl. PP strongly opposed the bail application on the ground that co-accused are yet to be arrested and the offence is heinous in nature.

Having heard arguments as advanced by both the Ld. Counsels and after perusing the material on record, this appears to be a fit case for grant of bail to the applicant / accused.

The accused is a distant relative of the husband of the complainant. Thus, the identity of the accused is not in dispute. No recovery is to be made from this accused. The mobile phone has been handed over to the investigating agency already. The key evidence in this case is the oral evidence of the complainant herself and there is no

other evidence which can be destroyed if the accused is enlarged on bail. To prevent intimidation of the victim and her family members appropriate conditions can be imposed upon the accused. The completion of trial is likely to take a long time as the FIR was recently lodged.

Accordingly, the applicant / accused is admitted to bail on his furnishing a personal bond in the sum of Rs. 10,000/- with two sureties in the like amount to the satisfaction of the concerned Ld. MM / Link MM / Duty MM subject to the following conditions:

- 1) That throughout the trial, the applicant / accused will not visit the residence or proximate locality where the complainant resides and works.
- 2) That the applicant / accused will not contact the parents and siblings of the complainant in any manner.
- 3) That the applicant / accused will not share any photograph / video of the complainant with anyone.
- 4) That the applicant / accused will not post anything on any social media account pertaining to this matter.
- 5) That the applicant / accused will join the investigation as and when directed by the IO.
- 6) That the applicant / accused will not leave Delhi without informing the concerned court regarding the place for which he intends to leave and the address during his period of stay outside Delhi.

(1. _____)
Special Judge-NDPS/ASJ (South)
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