

Date

Bail Application No. 1359
FIR No. 6/22
PS Han Nagar
U/s 376/384/328/354D/506/120B/34 IPC
State Vs. Keshav Singh @ Sumit

10.05.2022

Present: Sh. Aditya Aggarwal and Sh. Ankit Mutreja, counsels for
accused/applicant.
Sh. P.K. Ranga, learned Addl. PP for the State
IO in person.

Prosecutrix is absent despite notice.

This is an application u/s 439 Cr.P.C. filed on behalf of
accused/ applicant seeking regular bail.

It was urged by learned counsel for accused/applicant that
accused/ applicant has been falsely implicated. There was a
consensual relationship between the accused/applicant and the
prosecutrix herein which is evident from the photographs as well as
other documents annexed along with the application. The prosecutrix
also falsely implicated family members of accused/applicant on the
allegations of extortion due to which both father and brother of
accused/ applicant were arrested and sent to judicial custody. Ever
since they have been granted bail on 10.02.2022 and 04.04.2022
respectively, there has been no complaint from the prosecutrix. Since
charge-sheet has already been filed, there is no apprehension of threat
or tampering with witnesses.

The bail application is very vehemently opposed by
learned Addl. PP for the State on the ground that the allegation against
the accused/ applicant are grave in nature and accused/ applicant
along with his family members extorted approximately Rs.4 lacs from
the prosecutrix after threatening her that they would expose her by
putting her pictures and videos on social media. It is also contended
that accused / applicant also snatched her laptop and i-pad for the said



purpose and same were recovered from him at the time of his arrest.

Learned counsel for accused/ applicant in rebuttal has denied the allegations in toto and has submitted that both accused/ applicant, who is aged 21 years and prosecutrix who is aged 27 years, irrespective of their age difference, were in love and had booked resorts and other such places to spend time with each other. Most of the money which was transferred to the accounts of the family members of accused/ applicant had been duly paid back by them in the account of prosecutrix or by cash.

During the course of arguments, learned counsel for accused/ applicant also pointed out the contradictions in the statements of prosecutrix made by her in the FIR, u/s 164 Cr.P.C. and the MLC.

As per the case of prosecutrix, she met the accused/ applicant at some party whereafter in the year 2019, he visited her at her flat. After conversing for a while, he offered her a cold drink which was drugged, whereafter, she lost her consciousness. When she regained her consciousness, she realised that the accused/ applicant had raped her. He also took photographs and videos of her and threatened to put those photographs and videos on social media, if she discloses the incident. He demanded Rs.10 lacs from her to delete the videos and photographs. Since, the threat persisted, she was forced to transfer money in his and his family member's account and thus, her family extorted Rs.6,17,000/- from her. In April 2021, he forcefully took her iPad and laptop and despite repeated requests, he failed to return the same. He kept on insisting her to meet and also send messages on Instagram. Finally, in May 2021, she ended her relationship with him by sending message on Instagram. Accused/ applicant, however, continued blackmailing her and once again raped her in October 2021. He even threatened her that he would commit suicide and implicate

The family members of accused/ applicant also started blackmailing



her brother. Eventually, she filed the present case FIR.

I have perused the charge-sheet as well as the documents annexed with the bail application.

The photographs annexed along with the bail application prima facie depicts that accused/ applicant and prosecutrix were in a relationship which was not only emotional but also physical. The photographs nowhere suggest that the same were taken when the prosecutrix was drugged or unconscious. The relationship between the accused/applicant and the prosecutrix even in the wildest of imagination does not suggest that she was coerced into a relationship with accused/applicant or that she was under any kind of threat from the accused/ applicant. The conversations which are annexed with the bail application also suggest the same. The prosecutrix herself in her complaint which was registered as FIR has categorically stated that "on 04/05/2021, I broke up with him by sending him message all over Instagram". The perusal of the statement of bank account of prosecutrix further prima facie reflects that whereas on the one hand, she has transferred money to the family members of accused/ applicant, on the other hand, she has also received money from them in her bank account. Admittedly, the accused/ applicant does not have any bank account and the money which was allegedly transferred was to the bank accounts of other family members of accused/ applicant who have already been enlarged on bail.

Considering the fact that accused/applicant is in JC since 01.01.2022 and charge-sheet has been filed coupled with the observations made by this court, **accused/applicant be released on bail on his furnishing bail bond in the sum of Rs.50,000/- with two sureties each of the like amount to the satisfaction of learned MM/Ink MM/Duty MM, subject to the following conditions:-**

1) That accused/applicant shall not be seen wandering near the home of prosecutrix,



2) That accused/applicant shall not approach prosecutrix or tamper with evidence in any manner.

In case any threat is extended to prosecutrix, she may approach the concerned court for cancellation of bail.

Application is disposed of accordingly. Observations made hereinabove shall have no bearing on the merits of the case.

Hemani
(HEMANI MALHOTRA)
ASJ-09/W/THC/10.05.2022



Attested True Copy
For *[Signature]*
Administrative Officer (Judicial)
District & Sessions Judge West
Bail and Filing Branch
Tis Hazari Courts, Delhi