

Bail Application No.5565/2021
FIR No.52/2021
u/s 376/506/201 IPC
PS: Nabi Karim
State Vs. Govind Singh s/o. Harjeet Singh

01.06.2021

**ORDER ON THE BAIL APPLICATION OF APPLICANT/ACCUSED
GOVIND SINGH S/O. HARJEET SINGH.**

By this order I shall decide the bail application of applicant/accused Govind Singh being filed by Id. Counsel for applicant/accused.

Present: Sh. Ateeq Ahmad, Ld. Addl. PP for the State through V.C.
Sh. Azhar Qayum, ld. Counsel for accused through V.C.
Ms. Lakshmi Raina, ld. Counsel for DCW through V.C.
Complainant/victim through V.C.
I.O. SI Sharanya through V.C.

The arguments on the bail application were heard on dated 29.05.2021 and ld. Counsel for accused has submitted that accused is in JC w.e.f. 07.03.2021 and he is nothing to do with the alleged offence.

It has also been submitted by ld. Counsel for accused that accused came to know about the complainant/victim in the year 2010-2011 through one of his friend Jasdeep Singh and Mr. Jasdeep was good friend of the complainant even before the year 2010. The applicant was in touch on telephone with the complainant since 2010-2016 and the accused is the resident of Tarn Taran, Amritsar, Punjab and complainant always insisted the accused to visit Delhi and to meet physically to her and the complainant/victim arranged air ticket from Amritsar to Delhi. In the year 2016, only to meet the complainant/victim, accused came to Delhi and after meeting with the



complainant, the accused returned to Tarn Taran, Punjab.

It has also been submitted by Id. Counsel for accused that applicant/accused has never promise the complainant to marry her and it was only friendship of the accused with the complainant and because of the friendship the applicant had agreed to sent her parents to the complainant family to fix the marriage and applicant visited in Delhi in Jan.'2021 and Roka/Engagement ceremony was performed.

It has also been argued that the applicant never took any nude photographs of the complainant and the question does not arise to viral of the nude photographs of victim on social media.

Chargesheet of the case FIR has been filed and investigation qua the accused has already been completed and make a request that accused may kindly be released on bail.

Per Contra, Ld. Addl. PP for the State has vehemently opposed the bail application of the accused/applicant on the ground that allegations against the accused are of very serious nature and applicant/accused has made promise of marriage with the complainant and under false promise of marriage, he has forcibly established physical relation with the complainant and make a submission that bail application of accused may kindly be dismissed. Heard.

The complainant/victim who appeared through V.C. has also opposed the bail application upto some extend and submitted that she wants to marry with the accused and she has also admitted that she was having some conversation with the parents of the accused and lastly she has stated that the bail application of the accused may kindly be dismissed.

Having heard the submissions made by Ld. Counsel for applicant/accused, Complainant/victim, I.O., Ld. Counsel for DCW as well as



Ld. APP for the State and after gone through the contents of the bail application and without commenting upon the merits of the case, this court is of the considered view that hand written complaint was made by the complainant/victim to the police station on 03.03.2021 ^{and FIR} has been registered under section 376/506 IPC and later on section 201 IPC has also been added as mentioned in the charge sheet.

It is alleged in the hand written complaint made to the police against the accused that she is the resident of given address and had conversation on telephone with the accused in the year 2010 and she continued had conversation on telephone from 2010-2016 with the accused and they became good friend and on dated 13.07.2016, she met physically with the accused for the first time at Vaishali Metro Station and in the meantime, she also developed friendship with Lavi and Reet through Facebook who were the friend of the accused. On 02.10.2016, accused called her at New Delhi Metro Station and when she went to meet the accused at New Delhi Metro Station then she was told by the accused that today is the birthday of Reet and he will introduce her to Lavi and Reet. Since she never made met with the Reet and Lavi and accused took her to Ramayan Hotel, Nabi Karim, Delhi and Lavi and Reet were not present there and thereafter, accused bolted the room of the hotel and forcefully established physical relation with her and when she resisted and told the accused that she will lodge the complaint with the police then accused told her that he like her and he would marry with her and thereafter, accused called her several time to meet in the Hotel and on the false pretext of marriage established physical relation with her.

It has also been alleged ~~that~~ in the said written complaint that on 25.04.2017 when she met with the accused at Hotel Ramayan then accused also took her nude photographs without her consent and she met with the accused lastly on 27.01.2020 and thereafter, she was in touch with accused

[Handwritten signature]

on phone and on dtd. 10.01.2021, the family members of the accused came to her residence for engagement and Roka ceremony of victim ^{with a} and accused were taken place. Thereafter, some dispute on the pretext of the colour of the victim has arisen and the family members of the accused refused to marry and when she contacted the accused then accused threatened her to viral her nude photographs on social media.

After registration of the FIR, accused was arrested and complainant/victim took to Dr. R.M.L. Hospital for her medical examination where she narrated the contents of the written complaint made to the police to the Doctor and thereafter, her statement u/s 164 Cr.P.C. was recorded by the Ld. MM.

It is pertinent to mention herein that there is material contradictions and improvement in the averment of the FIR as well as the statement u/s 164 Cr.P.C. whereas it has no where been mentioned that accused ever promise her for marriage between the period 2010-2016 and it has also not been mentioned in the FIR that on dtd. 13.07.2016 when she met with the accused at Vaishali Metro Station and accused had ever promise her to marry. It has been mentioned that on 02.10.2016, Govind called her at New Delhi Metro Station and thereafter, took her to Ramayan Hotel, New Delhi, where he established physical relation with her and when she resisted and asked him to made a complaint to the police then accused had promised her to marry but even thereafter, the accused did not marry with the complainant and simultaneously, the complainant/victim did not lodge any complaint against the accused in the year 2016, 2017, 2018 and even in the year 2020 and she was continuously met with the accused in Ramayan Hotel, New Delhi and Paras Hotel, New Delhi.

There are the allegations of the complainant against the accused that as and when accused visit Delhi between 2016-2020 he



established physical relation with her forcibly but she did not lodge complaint to the police nor she has shared this incident with her parents or other family members and there is inordinate delay of five years in the lodging the complaint against the accused upon which the FIR has been registered and accused has been arrested.

It is worth mentioning that the hand written complaint made by the complainant to the police of 03 pages whereas the statement u/s 164 Cr.P.C. of 13 pages and there is material contradictions in the averment of complaint made by complainant to the police and statement u/s 164 Cr.P.C.

It has also been stated by the complainant in statement u/s 164 Cr.P.C. that when accused took her first time to Ramayan Hotel where forcibly established physical relation with her and hotel staff demanded her I.D. and she was not carrying any I.D. and ^{she ✓} ~~he~~ told the accused to go to the house of Lavi at Karol Bagh but accused refused to go there but during the course of investigation, I.O. took the complainant/victim to Ramayan Hotel and owner/Manager of the said hotel furnished the guest entry register mentioning the date and name of the complainant/victim of that hotel and the hotel owner/Manager has also furnished the copy of Aadhar Card of the complainant/victim to the I.O. which has also been placed on record with the charge sheet and if the complainant/victim did not furnish her I.D. proof to the hotel then how the manager/owner of the Ramayan Hotel furnished the copy of the Aadhar card to the I.O. which is the part of the chargesheet.

It is also pertinent to mention that there is no single whisper or word in the hand written complaint made to the police against the accused that she become pregnant in the year 2019 and accused came to Delhi to give her medicines to terminate the pregnancy but it has been mentioned in the statement u/s 164 Cr.P.C. that she become pregnant in the year 2019 and accused came to Delhi and gave her medicines to terminate the pregnancy.

After gone through the medical examination carried out at Dr. R.M.L. Hospital of the complainant/victim and on the back side, it has been mentioned by the Doctor concerned "She gave alleged history of consensual sexual intercourse with her by the concerned, Govind Singh, 32 years male with the promise of future marriage and she has been relation with him since 2016 and she gave history of ROKA ceremony with the same person in the year 2021 and after which they get separated."

The alleged history of the present case FIR told by the complainant/victim to the Doctor of Dr. R.M.L. Hospital who has conducted medical examination of the victim reveals that she was in consensual sexual relation with the accused.

Perusal of the chargesheet, it reveals that on dtd. 17.04.2021, the I.O. of this case W/SI Sharanya served upon a notice u/s 91 Cr.P.C. wherein the complainant was asked to produce all the evidence in respect of the present case FIR and reply to that notice of the I.O. the complainant/victim has stated that she has received the notice in the present case FIR and she has conversation with family members of the accused and they are agreed to solemnize her marriage with the accused and after the marriage she wants to live with the accused at his residence at Punjab and because of this reason, she is not able to produce or supply any evidence to the I.O. This reply in handwritten of complainant/victim herself and bearing her signature. The reply of notice u/s 91 Cr.P.C. is also contradictory to the complaint made by the complainant/victim against the accused.

Investigation qua the accused has already been completed and the chargesheet has also been filed against the accused and the accused is in JC w.e.f. 07.03.2021 and no purpose would be served ~~to served~~^{to} to keep accused in the JC as Covid-19 Pandemic is going on and it would take a long time to conclude the trial. Therefore, in these facts and circumstances, applicant/



accused be admitted on bail on his furnishing a bail bond/surety bond for a sum of Rs.50,000/- with one surety of the like amount to the satisfaction of Ld. Jail Duty MM, Ld. MM/Ld. Link MM/Ld. Duty MM/Ld. ACMM/Ld. CMM, Central District, Delhi, subject to the following conditions that :

1. Accused/applicant shall not leave the country without permission of court;
2. Accused/applicant shall appear before this court on every date fixed in the case and shall furnish his present correct address;
3. Accused/applicant shall also inform the Investigating Officer about any change in his residential address;
4. Accused/applicant shall not contact to complainant and her family members or any other witnesses directly or indirectly and not interfere with the fair trial of this case;
5. Accused/applicant is directed to deposit his passport within one month.

Nothing said herein above shall have any impression upon the merit of this case.

Bail application is disposed off accordingly. Copy of this order be sent to Jail Superintendent, Tihar, New Delhi, for necessary compliance.



(SATISH KUMAR)

**Vacation Judge/ASJ-2(CENTRAL),
TIS HAZARI COURTS, DELHI.**

01.06.2021