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

+ **BAIL APPLN. 3469/2024 & CRL.M.A. 29043/2024 STAY**

VIKRAM KUMAR@ARYAN ADVIK

.....Petitioner

Through: Mr. Rishi Malhotra, Senior Advocate
with Ms. Ansuiya & Mr. Shivaansh
Maini, Advocates

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Raghuraj Singh, PS Sangam
Vihar

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **17.07.2025**

1. This is an application for grant of anticipatory bail filed on behalf of the petitioner/applicant in case FIR No. 239/2024, under Section 376/354/498-A/406/34 IPC, PS Sangam Vihar.
2. Learned counsel for the petitioner submits that applicant has been framed up and falsely implicated in the present FIR on the extraneous grounds as initially FIR was lodged against the husband, mother in law, father in law, brother in law (Jeeja) and the applicant under Section 498-A/406/34 IPC. Complainant made allegations of rape for the first time in her statement under Section 164 Cr. PC with regard to the alleged incident which happened way back in the year 2017 i.e. 7 years before the registration of FIR. It is further submitted that the applicant got married in the year 2022 and complainant had joined the marriage celebration with great exuberance and happiness and that as an afterthought, she made



allegations of rape against the applicant with a view to pressurize her husband and other family members. He further submits that applicant has already joined the investigation and is not required for further investigation.

3. Learned APP submits that the allegations against the applicant are grave and serious in nature, and therefore, he is not entitled for the grant of pre-arrest bail.

4. Admittedly, there are matrimonial disputes between the complainant and her husband and his family members. The FIR was initially registered under Section 498-A/406/34 IPC. It contained no allegation of rape against the applicant. In her statement recorded under Section 164 Cr. PC, for the first time, she made allegation against the present applicant that she was raped by applicant while she was four months pregnant and was staying alone in Noida way back in the year 2017. Consequent upon such statement, Section 354/376 IPC have been added by the Investigating Officer on 20.06.2024. The allegation of rape has been made seven years after the alleged incident, so much so, even the FIR recorded in the year 2024 also does not record this fact. In ***B.N. John v. State of U.P. &Anr.***, SLP (Crl.) No. 2184/2024, the Supreme Court held that omission of crucial facts in the FIR, which are later introduced without adequate explanation may indicate an afterthought and cast doubt on the credibility of prosecution's case.

5. Admittedly, all the co-accused persons have since been granted anticipatory bail. As per the status report, petitioner has joined the investigation and has already been interrogated.

6. On being asked, learned Prosecutor states that charge sheet is ready and is likely to be filed in near future and applicant is not required for further investigation.



7. Hence, keeping in view the overall facts and circumstances and the fact that the allegation of rape came to be made for the first time after seven years of the alleged occurrence and there are matrimonial disputes between the complainant with her husband and his family members, bail application is disposed of with direction that in case of arrest, applicant shall be released on his furnishing a personal bond in the sum of Rs. 30,000/- with surety of the like amount to satisfaction of Arresting Officer/IO/SHO with the condition that petitioner shall not make any contact, directly or indirectly, with the prosecutrix or her family. He shall not tamper with evidence or approach any witnesses. He shall remain available for interrogation as and when called by the IO. Any violation of these conditions shall result in automatic revocation of the relief granted herein.

8. The application stands allowed in the above terms.

9. It is clarified that the observations made in this order are solely for the purpose of adjudicating the anticipatory bail application and shall not be treated as an expression on the merits of the case or influence the trial proceedings.

RAVINDER DUDEJA, J.

JULY 17, 2025

RM