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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CRL.A. 341/2023**

LALU

.....Appellant

Through: Ms. Manika Tripathy,  
Adv. (DHCLSC) with Mr.  
Gautam Yadav, Adv.

versus

STATE

.....Respondent

Through: Mr. Sunil Kumar Gautam,  
APP for the State  
Ms. Vrinda Bhandari,  
Adv. (DHCLSC) with MS.  
Anandita Rana, Adv. for  
the survivor.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****ORDER**

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**05.05.2025****CRL.A. 341/2023**

1. By the present appeal, the appellant challenges the judgement dated 24.11.2022 (hereafter '**impugned judgment**') and order on sentence dated 17.01.2023 (hereafter '**impugned order on sentence**'), passed by the learned Additional Sessions Judge, SFTC (West)-01, Tis Hazari Courts, Delhi in CNR No.: DLWT-01-000876-2015 arising out of FIR No. 01/2015 registered at Police Station Ranhola.

2. By the impugned judgment, the appellant was convicted of the offences under Sections 120B/376D of the Indian Penal Code, 1860 ('**IPC**').

3. By the impugned order on sentence, the appellant was sentenced to undergo rigorous imprisonment for a period of 20

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years and to pay a fine of ₹10,000/-, and in default of payment of fine, to undergo simple imprisonment for a period of six months for the offence under Section 376D of the IPC. The appellant was also sentenced to undergo rigorous imprisonment for a period of 20 years and to pay a fine of ₹10,000/-, and in default of payment of fine, to undergo simple imprisonment for a period of six months for the offence under Section 120B of the IPC. All the sentences were directed to run concurrently.

4. List along with CRL.A. 157/2023 on 28.07.2025.

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5. By the present application, the appellant seeks suspension of sentence and release of the appellant on bail during the pendency of the present appeal.

6. The FIR was registered on a complaint given by the prosecutrix alleging that she has been raped by the appellant and the other co-accused person, namely, Harvinder @ Arvind, who are related to the prosecutrix.

7. She alleged that the appellant had called her to come at Uttam Nagar Metro Station in order to get her a job, and on reaching there, she met the co-accused Harvinder @ Arvind, who asked her to accompany him to a place in Bhajanpura, Delhi, where she was asked to consume milk and on consuming the same, she fell unconscious. She alleged that she was then raped by co-accused Harvinder @ Arvind on 29.12.2014.

8. She alleged that on the next day, she went back to her house and did not inform her father about the said incident due to fear. However, on 01.01.2015, she informed her father about the incident, whereafter they went to the Police and gave a



complaint, which led to registration of the present FIR.

9. The learned counsel for the appellant submits that the appellant has been falsely implicated in the present case.

10. She submits that the prosecutrix, during her cross-examination, categorically stated that the complaint was given at the behest of her husband.

11. She submits that the examination-in-chief of the prosecutrix was held on 05.10.2015 and 30.05.2016, where she narrated the incident as alleged by her in the complaint, however, during her cross-examination on 26.09.2016, spoke the truth that the complaint was given on being instigated by her husband.

12. She vehemently contends that the prosecution had also relied upon the evidence of the father of the prosecutrix, who was allegedly informed by the prosecutrix about the incident. She submits that the father of the prosecutrix deposed that the victim had never informed him about the incident.

13. She submits that the appellant is the sole bread earner of the family, and has a minor child to take care of.

14. The learned counsel for the prosecutrix submits that the victim, at the time of cross-examination, was threatened which led to her deposing that the complaint was given on the behest of her husband.

15. She submits that during the re-examination, the victim had again reiterated the correct facts.

16. She submits that the father of the victim was also threatened which led to him to depose that the victim had not told him about the incident.

17. The record indicates that the victim's father was never re-examined and that he had also not given any complaint to the



prosecution in regard to any threat at any stage.

18. The order on sentence in regard to the co-convict, namely, Harvinder @ Arvind, has already been suspended by order dated 20.03.2025, passed by this Court.

19. The appellant is stated to be the sole bread earner of the family having a minor child to take care of. The appellant has already undergone more than 5 years in custody.

20. The appellant has, therefore, made out a *prima facie* case for his release on bail and suspension of sentence till the pendency of the present appeal.

21. In view of the above, the impugned order on sentence is suspended till the pendency of the present appeal, and the appellant is directed to be released on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Jail Superintendent, on the following conditions:

- a. The appellant shall pay the fine amount as imposed by the impugned order on sentence within a period of three weeks of his release. Proof of deposit of fine to be furnished to the concerned IO/SHO;
- b. The appellant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
- c. The appellant shall not reside within 5 kms radius of the locality where the complainant/victim resides;
- d. The appellant shall not contact the victim in any manner whatsoever;
- e. The appellant shall, under no circumstances, leave



the country without the permission of the Court;

- f. The appellant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- g. The appellant shall appear before this Court as and when directed.

22. The present application is allowed in the aforesaid terms.

**AMIT MAHAJAN, J**

**MAY 5, 2025**

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