

Bail Matters 200/2025
STATE OF DELHI Vs. HARSHIT JOSHI
FIR no. 102/2025
U/s 64(1)/69/115(2)/351(3) BNS
PS I.P. Estate

06.02.2025

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.

Sh. Nitin Ahlawat and Sh. Atul Sharma, Id. Counsels for the accused Harshit Joshi.

IO W SI Neha is present along with the complainant.

This is an application for grant of regular bail u/s 483 of the BNSS 2023 filed on behalf of the accused Harshit Joshi on the ground that he has been in JC since 02.02.2025 in the present matter which has been lodged falsely at the instance of the complainant.

The applicant/ accused in the said application has stated that he came in contact with the complainant through social media website namely Tinder in June 2020. It has been further stated that the applicant/ accused done his LLM from London and thereafter he broke up with the complainant mutually. It has been further stated that the applicant developed some skin allergy and therefore, he went to LNJP Hospital for treatment on 27.01.2025 and met with the complainant. It has been further stated that thereafter, the applicant and the complainant sat in the parking of the hostel of the complainant where the alleged incident took place. It has been further stated that the applicant has been in contact with the complainant even after 27.01.2025.

It has been further stated that the accused is a practising advocate and he be admitted to regular bail keeping in view the fact that his acquaintance/ relationship with the complainant was only consensual.

Reply has been filed on record by the IO, opposing the bail application.

The complainant is also present in person.

In the reply filed by the IO, it has not been denied that the accused was known to the complainant. The complainant also submits that they came in contact with each other through social media platform. The FIR bearing no. 0102/2025 dated 01.02.2025 u/s 64(1)/69/115(2)/351(3) BNS PS IP Estate itself reveals that the complainant was having relationship/ friendship with the accused out of her own consent but as per the allegations, the relationship was broken in January 2025.

If the FIR is gone through, the only incident of rape has been alleged as on 27.01.2025 in the parking of the hostel of the complainant. Whereas, the accused, though in the FIR has not categorically stated so in so many words, yet, perusal of the application filed by the applicant necessarily states in the opinion of this court that whatever incident took place on 27.01.2025, the same was consensual with the consent of the complainant.

As on date, the court has specifically asked the complainant as to whether, she wants to oppose the bail application or not. The complainant has answered that she does not want to oppose the bail application and she wants to move on in her life. The only apprehension which has been shown by the complainant before the court is that the applicant/ accused may try to harm her in future but she categorically states that bail may be granted to the above said accused.

So far as the apprehension in future is concerned, Sh. Nitin Ahlawat and Sh. Atul Sharma, Id. Counsels for the applicant/ accused Harshit Joshi have assured the court and the complainant as well and the Id. Addl. PP for the State as well that the applicant/ accused shall not be in touch with the complainant at all. Otherwise also, if the applicant/ accused indulges in some

illegal activity, then, the criminal machinery of the State can be put into motion at the instance of the complainant.

Keeping in view the above said entirety of the facts and circumstances, the consensual nature of the relationship, the no objection of the complainant, the present applicant/ accused Harshit Joshi is admitted to bail on furnishing of personal bond and surety bond in the like amount of Rs. 50,000/- to the satisfaction of the Id. JMFC/ Ld. Link JMFC/ Ld. Duty JMFC/ Ld. CJM/ Ld. ACJM.

The accused shall abide by the following conditions:

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the Court;*
- vi) Accused shall also provide his mobile number to the Court and SHO/IO.*
- vii) Accused shall keep his such mobile 'Switch On' at all the time;*
- viii) Accused shall regularly appear before the Court on each and every date of hearing;*
- ix) Accused shall not indulge in any kind of criminal activities;&*
- x) The accused shall not contact the complainant in any manner and in case he does so, the complainant shall be at liberty to move an appropriate application seeking the cancellation of the bail.*

Nothing stated herein shall tantamount to be an expression of opinion on the merits of the present case and the observations made in the present order are only for the purpose of deciding the present bail application.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary action. Copy of this order be also sent to the accused through concerned Jail Superintendent. Copy of this order be also given to SHO/IO concerned for information. Copy of this order be given dasti to counsel for the accused, if prayed for.

(Raj Kumar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
06.02.2025