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

+ **BAIL APPLN. 197/2016**

ASHISH CHATTERJEE

..... Petitioner

Through : Mr.Ramesh Gupta, Sr.Advocate with
Mr.Ajay P.Tushir, Advocate.

versus

STATE (NCT) OF DELHI

..... Respondent

Through : Mr.Tarang Srivastava, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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11.05.2016

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.792/2015 registered under Sections 328/376/506 IPC at PS Vikas Puri. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. The FIR was lodged on the complaint of the prosecutrix 'X' (changed name) aged around 38 years. She used to work at the petitioner's residence as maid. Allegedly physical relations took place between the two on various dates. The said relationship continued for about more than five years. Allegedly the petitioner promised to marry the prosecutrix. 'X' was admittedly married to one Manjeet Singh in 1998. Due to domestic quarrel, she started residing with her parents since 2007. She has two children. Nothing has come on record if any divorce had taken place between

the two. The petitioner was also a married man whose wife had left the matrimonial home due to some quarrel.

3. It has further come on record that before lodging the FIR in question two post-dated cheques were given to the prosecutrix and these were encashed by her. In the MLC, no external injury was found on her body. It is relevant to note that the matter was settled and a petition for quashing of the FIR i.e. W.P.(Crl.) 3047/2015 was filed. However, in view of the judgment '*Gian Singh vs. State of Punjab & Anr.*', 2012 (10) SCC 303, this Court did not entertain the said quashing petition. Status report also reveals that an affidavit dated 12.12.2015 executed by the prosecutrix was produced during investigation in which the complainant admitted that they used to have live-in-relationship and the FIR was the outcome of the misunderstanding.

4. It is informed that the charge-sheet has already been filed. Considering all these facts and circumstances of the case, the petitioner is granted four weeks interim protection to enable him to seek regular bail before the Trial Court. The petitioner shall not be arrested for four weeks. During this period, he shall seek regular bail as per law before the Trial Court.

5. The application stands disposed of in the above terms.

6. Order '*dasti*'.

S.P.GARG, J.

MAY 11, 2016 / tr