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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 793/2016

SAGAR

..... Petitioner

Through: Mr. Utsav Pandey & Ms. Vineeta Singh
Rathore, Advocates

versus

STATE

..... Respondent

Through: Mr. Panna Lal Sharma, APP with Sub
Inspector Uma Datt, P.S. Mangol Puri

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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31.05.2016

1. Apprehending his arrest in case FIR No.461/2016 u/s 376(2)(n) of IPC registered with PS Mangolpuri, the present application u/s 438 Cr.P.C. has been filed by the petitioner.
2. Counsel for the petitioner submits that the complainant and the accused were known to each other for the last about five years and the physical relations between the two were consensual. The petitioner was willing to marry the complainant but due to her erratic behaviour, the marriage could not be solemnized. Even prior to his marriage, he approached the complainant and her family members several times for the marriage with the complainant. His mother also had conversation with the complainant's mother for the marriage but there was no response from the complainant side, therefore, the petitioner got married. The date of marriage of the petitioner was very much in the knowledge of the complainant and after solemnization of the petitioner's marriage, she gave written complaint to the police officials of PS Mangolpuri as an afterthought to extort money from the petitioner. In the year 2014 itself, mother of the petitioner had made a complaint before Police Station Mangolpuri, Delhi apprehending false implication of the petitioner in some case. The petitioner is ready to join investigation, as such, he be released on bail.

3. The application is opposed by the learned APP for the State. In the status report, it is not disputed that the complainant and the petitioner were known to each other for the last five years and they were friends. It is also not disputed that the mother of the petitioner had spoken to the mother of the complainant and it was agreed that the marriage would be performed in the Court. The physical relations with the complainant were on the assurance of marriage. In 2015, complainant got pregnant and the petitioner got the abortion done. Even after getting married, the petitioner had physical relations with the complainant, as such, the petitioner is not entitled to the relief as claimed.

4. Keeping in view the totality of the facts and circumstances of the case, it is ordered that in the event of his arrest:-

- (i) Petitioner be admitted to bail on his executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the concerned I.O./SHO.
- (ii) He shall join the investigation as and when called for by the I.O.
- (iii) He shall furnish his address as well as his contact number to the Investigating Officer.
- (iv) He shall not threaten or coerce complainant or any prosecution witness.

The application is accordingly disposed of.

Copy of this order be given *dasti* to counsel for the petitioner.

MAY 31, 2016

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SUNITA GUPTA, J