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

DECIDED ON : AUGUST 09, 2016

+ **BAIL APPLN. 680/2015 & CRL.M.A.No.16178/15**

KAMAL KUMAR

..... Petitioner

Through : Mr.Vivek Aggarwal, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through : Ms.Meenakshi Dahiya, APP.
Mr.Ajay Kumar Pipaniya, Advocate,
for respondent No.2.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. The petitioner seeks anticipatory bail in case FIR No.133/15 under Sections 376/506 IPC registered at Police Station Rohini. Status report is on record.
2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file.
3. The petitioner is facing proceedings under Sections 376/506 IPC lodged on the complaint of the victim. The complainant informed that she was sexually exploited by the petitioner on the false promise to perform marriage with her.

4. Petitioner's counsel urged that a false complaint has been lodged by the victim for oblique motives. Physical relations (if any) with the prosecutrix were with her free consent. No promise to perform marriage, was ever given to her. The petitioner's counsel further urged that complainant's only motive to lodge the FIR is to force the petitioner to solemnize marriage with her. Even after registration of the FIR, both of them are in constant touch with each other. Relations between the two were cordial. The prosecutrix was major. Opposing the bail application, the learned Additional Public Prosecutrix and complainant's counsel urged that the victim, aged around 18 years, was repeatedly sexually exploited for about six years by the petitioner on the false promise to marry her. There are no allegations if any time any demand for money was raised. Documents are on record to show that the petitioner had given in writing that he would perform marriage with her. She further alleged criminal intimidation at the petitioner's hand.

5. By an order dated 15.04.2015 interim protection was granted to the petitioner and he was directed to join the investigation. Notice was ordered to be issued to the complainant. She filed her response to the bail application along with certain additional documents.

6. On perusal of the record, it reveals that serious allegations have been leveled by the complainant against the petitioner for having physical relations with her on several dates at various places on the false promise to marry her. The complainant has placed on record the Marriage Deed/Agreement by mutual consent dated 17.10.2013 executed between the parties whereby the petitioner had agreed to perform the marriage with the victim. The said promise was never kept. Copy of the affidavit dated

18.10.2013 sworn by the petitioner is also on record. Again, there is a copy of Settlement dated 26.12.2014 executed between the parties. Apparently, the petitioner assured the prosecutrix to perform marriage and physical relationship between the two were, prima facie, the result of it.

7. After grant of interim protection, the petitioner even misused the liberty granted to him. The complainant has placed on record copies of the messages sent by the petitioner to her on WhatsApp. These messages are indecent and abusive. Threats have been extended to the complainant in some of the messages for withdrawal of the case.

8. Considering the gravity of the offence and the petitioner's conduct during investigation, I find no sufficient ground for grant of anticipatory bail.

9. The bail application is dismissed. All pending application(s) also stand disposed of.

(S.P.GARG)
JUDGE

AUGUST 09, 2016
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