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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1942/2016**

NITESH SHRIVASTAVA Petitioner

Through: Mr. Saket Shrivastav, Adv.
versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Tarang Shrivastav, APP for State.
Mr. Mohan Sharma, Adv. for the
Complainant along with complainant in
person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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19.10.2016

Learned counsel for the petitioner submits that prosecutrix was known to the petitioner right from 2008 onwards as she was neighbour of the petitioner. Husband of the prosecutrix died in the year 2010. Petitioner started his business in the year 2011. Prosecutrix started working with the petitioner in the year 2013. Since petitioner suffered losses in the business he closed the office. Petitioner got married in the month of December, 2014. Prosecutrix attended his marriage. Photographs indicating presence of complainant in the marriage ceremony of petitioner have been placed on record. Later on, prosecutrix started threatening that in case ₹15 lacs was not given to her she will commit suicide and implicate the petitioner in a criminal case. On 10th March, 2015 petitioner received a telephone call from mobile number 9899140837 from one Mahender Pratap who threatened that in case he did not pay between ₹12-15 lacs

to the prosecutrix, he would be implicated in a sexual assault case. Petitioner made a written complaint to DCP by post. As a counter blast prosecutrix has lodged the present FIR belatedly alleging therein that petitioner developed physical relations with her after the death of her husband and taken jewellery from her and also withdrawn money by using her ATM card. She has falsely alleged that petitioner had promised to marry her and developed physical relations with her. FIR has been lodged on 11th July, 2015; whereas petitioner got married in the month of December, 2014.

Learned APP for the State has opposed the bail application. He has contended that petitioner was neighbour of the prosecutrix and was having good relations with her family members. After the death of husband of prosecutrix he even started living with the prosecutrix and her three children. He lived with her till 2015. During this period, petitioner had taken savings of the prosecutrix on several occasions. Petitioner did not fulfil his promise and instead married another lady in the month of December, 2014 without informing the prosecutrix.

Allegations and counter allegations are subject matter of trial. However, the fact remains that petitioner and complainant were known to each other and was having good relations for a long time. Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the

satisfaction of the trial court.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

OCTOBER 19, 2016

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