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

+ **BAIL APPLN. 2487/2016**

**SANTOSH KUMAR**

..... Petitioner

Through: Mr. Bhagwan Jha, Advocate

versus

**STATE**

..... Respondent

Through: Ms. Radhika Kolluru, APP with SI  
Manish Sharma, PS Aman Vihar

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**ORDER**  
**05.12.2016**

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**Crl.M.A. No. 18936/2016**

Exemption allowed, subject to all just exceptions. The application stands disposed of.

**Crl.M.A. No. 18937/2016**

For the reasons stated, the delay in re-filing is condoned. The application stands disposed of.

**BAIL APPLN. 2487/2016**

Issue notice. Notice is accepted on behalf of the State. The status report in tendered in court is taken on record.

The submission of learned counsel for the petitioner is that in the

present case the charge sheet stands filed. The allegations against the petitioner is that he had co-habited with the complainant/ prosecutrix by giving false representation that he is not married and that he would marry her.

Learned counsel for the petitioner states that the prosecutrix is a widow and was well aware of the matrimonial status of the petitioner, and that there was no promise of marriage. Learned counsel submits that these aspects, in any event, will have to be tried before the Trial Court.

Since the charge sheet stands filed and the charges are also framed, no useful purpose would be served in detaining the petitioner in custody any further. It is not a case of brutal or forceful rape by the petitioner. The relationship between the parties appears to be consensual. In these circumstances, the application is allowed. The petitioner is directed to be released on bail upon furnishing personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the Trial Court. This is further subject to the condition that he shall not try to contact/ influence the complainant or the witnesses or tamper with the evidence. He shall provide his mobile phone number and the same shall be kept on working condition at all times and shall not be changed without prior intimation to the court.

The application stands disposed of. Dasti.

**VIPIN SANGHI, J**

**DECEMBER 05, 2016**

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