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

+ **BAIL APPLN. 1204/2015**

ASHISH KUMAR

..... Petitioner

Represented by: **Mr. Lokesh Kumar Misra and
Mr. Sameer Ojha, Advs.**

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: **Mr. Hirein Sharma, APP with
SI Shri Gopal, PS Shakar Pur.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.10.2016

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1. The petitioner seeks bail in case FIR No.1796/2014 under Sections 376/384/328/506/34 IPC registered at PS Shakarpur.
2. Learned counsel for the petitioner contends that even taking the allegations as it is, the FIR was registered after 8 months of the alleged incident, after the prosecutrix revealed about her relationship with the petitioner to her husband on whose pressure the FIR was registered. Prosecutrix was a married woman doing a private job and was a mother of two children. Even otherwise, the prosecutrix has now been examined in Court and the trial is likely to take some more time. Thus, the petitioner be released on bail pending trial.
3. In the FIR lodged on 5th September, 2014, the prosecutrix alleged that she met the petitioner for the first time at PS Shakarpur when she came to the police station in some matter and thereafter friendly relations developed between them. The petitioner used to call her and and they used to often

talk to each other. One day, the petitioner after enticing her gave some intoxicated material in the cold drink. After the said drink, she was raped and a video prepared. Thereafter the petitioner started blackmailing her and doing wrong acts with her contrary to her wishes. She also gave ₹50,000/- to the petitioner but he did not mend his ways and continued threatening her on telephone. Thus, she sought legal action.

4. The petitioner has placed on record copies of messages and photographs to show that the parties were having good relations and there was no force or coercion on the prosecutrix. In one of the messages she clearly stated that since her husband got to know about their relationship, he pressurised her for getting the FIR registered.

5. Prosecutrix has been examined in Court. In the deposition before Court she reiterated the allegations and further stated that the petitioner used to blackmail her and took her to the house of Reenakshi 5 or 6 times and forcibly raped her. She further stated that Reenakshi also used to make calls to her and threatened her. In cross-examination, she has been confronted with the improvements made in her examination-in-chief.

6. Whether the improvements are material or not, no piecemeal appreciation of evidence can be done at this stage. Further whether the parties had relations with consent will also be a matter of defence of the petitioner, which he can establish during trial. However, in view of the fact that the prosecutrix has already been examined and cross-examined and trial is likely to take some time, I deem it fit to grant bail to the petitioner who has been in custody for more than 2 years. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount subject to the satisfaction of

learned Trial Court and further subject to the condition that the petitioner will not leave the Country without prior permission of the learned Trial Court and will not influence the witnesses.

7. Petition is disposed of.

MUKTA GUPTA, J.

OCTOBER 03, 2016
‘v mittal’