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

+ **BAIL APPLN. 2494/2016**

DR.ARUN KUMAR KARANWAL

..... Petitioner

Through: Ms. Eka Sikri & Mr. Junaid Nahvi,
Advocates.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rajat Katyal, APP and Ms. Ankita
Goyal, Advocate along with SI Shashi
& SI Dinesh, PS-Adarsh Nagar, for
the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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06.12.2016

Crl. M.A. No. 19003/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2494/2016

Issue notice. Mr. Katyal accepts notice on behalf of the State. He has tendered in Court a status report, which is taken on record.

The petitioner seeks regular bail in case FIR No.459/2016 under Section 377/ 376/ 506 IPC registered at PS – Adarsh Nagar. The petitioner

is in judicial custody since 26.10.2016.

The case of the petitioner is that the petitioner is a medical doctor. The petitioner had an affair with the prosecutrix and they were having a live-in relationship with their consent. The said affair, however, did not last, and consequently, the prosecutrix has filed the FIR in question alleging rape on the premise that the petitioner had assured to marry the complainant.

The submission of learned counsel for the petitioner is that the relationship between the petitioner and the prosecutrix was consensual. There was no promise made by the petitioner that he shall marry the complainant.

The status report tendered by Mr. Katyal reports that the victim refused internal examination. Her statement has been recorded under Section 164 Cr.P.C., where she has supported the allegations made in the FIR. The mobile phone of the petitioner has already been seized and it has been sent to FSL for examination. The charge-sheet already stands filed before the Trial Court.

As to whether, or not, the petitioner made any promise to marry the complainant is a matter of trial. It is clear that the relationship between the petitioner and the prosecutrix was not a result of a forcible relationship. In these circumstances, I am inclined to allow the present petition.

Accordingly, the petitioner is directed to be released on bail upon his 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 provide his mobile phone number at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Court. He shall not contact the prosecutrix or

any of the prosecution witnesses or tamper with any evidence of the case.

Dasti.

DECEMBER 06, 2016

B.S. Rohella

VIPIN SANGHI, J