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

+ **BAIL APPLN. 150/2017**

FAZIL MALIK

..... Petitioner

Represented by: Mr. Neeraj Pandey, Adv.

versus

STATE & ANR

..... Respondent

Represented by: Mr. Amit Ahlawat, APP with
W/ASI Pavita PS Palam
Village.
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.03.2017

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1. By the present petition the petitioner seeks bail in case FIR No.283/2016 under Sections 376/313/323 IPC registered at Palam Village.
2. Learned counsel for the petitioner submits that the petitioner was arrested on 13th July, 2016 where after he was in judicial custody. During the course of trial as many as 15 witnesses have been examined. The prosecutrix in her cross-examination admitted that she voluntarily lived with the petitioner at a rented accommodation for a period of two months. Further the fact that both the petitioner and the prosecutrix lived at various places and hotels shows that the relationship between the two if any was of consensual in nature.

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3. In the above-noted FIR the complainant alleged that the petitioner took her to Nainital where he mixed something in the cold drink where after she fell asleep. When she regained consciousness, petitioner informed her that he had sexual intercourse with her. It is further alleged that thereafter the petitioner took her to a hotel at Ghaziabad and again had relationship with her after threatening that he would upload her photograph. Though unwillingly the complainant accompanied him to various places and finally when the petitioner came to know about the pregnancy of the respondent No.2 he gave her some pills. Thus her foetus was aborted. It is alleged that on the blackmailing of the petitioner, the prosecutrix was forced to go to Mumbai and Goa by train where again he committed sexual intercourse with her. After establishing relations with the respondent No.2 the petitioner failed to marry her and when she was seven months pregnant, she lodged the above-noted FIR.

4. The prosecutrix has since been examined before the learned Trial Court. Without further delving into the examination-in-chief and cross-examination and returning a finding whether the relationship between the petitioner and respondent No.2 were consensual in nature or not, at this stage it is sufficient to note that the prosecutrix and other material witnesses have been examined. Thus, this Court deems it fit to grant bail to the petitioner.

5. It is therefore directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the learned Trial Court, further subject to the condition that he would not leave the country without the prior

permission of the Court concerned and will intimate to the Court any change in his residential address by way of affidavit.

6. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 01, 2017

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