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

+ **BAIL APPLN. 145/2017**

LAKSHMIDHAR REDDY KANKAR

..... Petitioner

Represented by: Mr. Dhananjay Puri and Mr.
M.P. Singh, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP for the
State with SI Saroj Bala, PS
Amar Colony.
Mr. Jaspreet Singh Rai,
Advocate for the complainant.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.03.2017

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1. By the present petition, the petitioner seeks anticipatory bail in case FIR No. 544/2016 under Section 376 IPC registered at PS Amar Colony, Delhi.
2. Learned counsel for the petitioner contends that since the allegations of forcible sexual intercourse were at Hyderabad, the SHO PS Amar Colony had no jurisdiction to register the above noted FIR. In any case even taking the worst case against the petitioner it is a case where both the petitioner and complainant were business partners as well as living together with consent and the petitioner cannot be sent to jail merely because ultimately the marriage could not be performed between the parties.

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3. In the above noted FIR the complainant alleged that she had met the petitioner through Black Berry Messenger in July, 2011 and thereafter started interacting with him on regular basis. To meet his family members, the petitioner called the complainant to Hyderabad where they stayed together in a hotel and at the insistence of the petitioner on the promise of marriage, complainant agreed to sexual relationship. As per the FIR the complainant even gave financial assistance to the petitioner and both of them started business at South Delhi and lived like husband and wife at various premises. Later on the petitioner did not keep his promise of marriage and married someone else in August, 2016.

4. A status report has been filed. As per the status report investigations have revealed that the petitioner and complainant have lived together at various premises. Statements of the different landlords in this regard were recorded and documents from the hotels have been verified. Though it is the case of the complainant that she had given financial assistance to the petitioner and in this regard relies upon her account statement, some of the mails in possession of the petitioner reveal that even the complainant was to return some amount to the petitioner.

5. On an overall conspectus of the material placed on record it is evident that the parties were voluntarily in a live-in relationship and doing the business together which went sour. Considering the facts and circumstances of the case without expressing any final opinion on the merits of the case, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two

sureties of the like amount, subject to the satisfaction of the arresting officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned. Any change in the residential address of the petitioner will be duly intimated to the learned Trial Court by way of an affidavit.

6. Petition is disposed of.

7. Order dasti.

MUKTA GUPTA, J.

MARCH 22, 2017

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