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

+ CRL.M.C. 409/2017

PREETI CHAHAR

..... Petitioner

Through: Mr. V. Madhukar & Ms. Anvita,
Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP along with
W/SI Priti Rana, PS-New Ashok
Nagar, for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
01.02.2017

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The petitioner has preferred the present petition under Section 439(2) Cr.P.C. to seek cancellation of the anticipatory bail granted to the accused/ respondent No.2 by the learned Additional District & Sessions Judge, Karkardooma Courts, Delhi vide order dated 28.12.2016 in Bail Application No.6564 in connection with FIR No.575/2016 dated 06.11.2016 under Sections 376/ 506/ 509 IPC registered at PS – New Ashok Nagar. The petitioner is the prosecutrix, who has preferred the present petition.

The case of the complainant/ prosecutrix in the FIR is that she had met the accused about a year and a half ago and both were looking to marry

each other. She claimed that the accused had deceived her. He had gone ahead and introduced the complainant to his family and he had also met the family members of the complainant. The families of the parties have also met. She claims that the accused forced her into establishing physical relations with her against her wishes. On refusal, the accused threatened her. After sometime, the attitude of the accused towards her changed.

The accused made his application before the learned ASJ to seek anticipatory bail, which was allowed on 28.12.2016. The accused claimed that the prosecutrix took advantage of his intimacy with her and started blackmailing him. Initially, she demanded Rs.7 Lakhs, which he gave in the form of a cheque from the account of his mother, which was got encashed by the complainant into her sister's account. He claimed that the prosecutrix demanded further amount and he filed a complaint against her and her sister at PS – Mandawali Fazal Pur on 05.11.2016. When she learnt of the said complaint, she lodged the FIR in question.

The submission of learned counsel for the petitioner is that the Trial Court while granting anticipatory bail to the accused has been swayed by the fact that the accused had transferred an amount of Rs.7 Lakhs, as aforesaid. Learned counsel submits that the said amount was given to the sister of the prosecutrix to be able to arrange for more than a decent marriage since the prosecutrix does not come from a very well-off family. Learned counsel submits that the Trial Court has not appreciated the contents of the FIR, wherein the petitioner had alleged that the accused had established forcible physical relationship with the prosecutrix.

I have heard learned counsel for the petitioner and perused the order dated 28.12.2016. A perusal of the FIR itself shows that it is a case of a

relationship going bad. The stand taken by the petitioner herself that the money had been taken for making arrangements for a decent marriage, prima facie, shows that the accused and the prosecutrix were planning a marriage. Therefore, it cannot be said, at this stage, with certainty that the physical relationship established between the parties was forceful, or was on a false pretext or promise of marriage. Merely because, subsequently, the parties may have fallen apart would not normally attract a charge of rape.

I do not find any infirmity in the order dated 28.12.2016, whereby the accused has been granted anticipatory bail. It appears to this Court that the present petition has been filed only with a view to wreck vengeance on the accused.

Dismissed.

VIPIN SANGHI, J

FEBRUARY 01, 2017

B.S. Rohella