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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 263/2017**
RAHUL KUMAR

..... Petitioner

Through: Mr.Varun Tyagi, Advocate.

versus

STATE

..... Respondent

Through: Mr.Kamal Kr. Ghei, APP for State
with W/SI Sushma, P.S. Moti Nagar,
Delhi.
Complainant in person with her
father.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA
ORDER
09.05.2017

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This is an application under Section 438 Cr.P.C. filed on behalf of the petitioner Rahul Kumar for grant of anticipatory bail in case FIR No.36/2017, under Sections 376/506 IPC, registered at Police Station Moti Nagar, Delhi.

Learned counsel for the petitioner submits that the petitioner is apprehending his arrest from the police officials of Police Station Moti Nagar, Delhi in the aforesaid FIR. Counsel further submits that the allegation as alleged in the FIR is false and the complainant is a major of 22 years age. Counsel further submits that nothing is to be recovered at the instance of the petitioner and the petitioner is ready to join further investigation as and when required to do so and prays that the petitioner may

be released on anticipatory bail.

Learned APP for the State vehemently opposes the grant of anticipatory bail to the petitioner. The complainant is also present along with her father. Learned APP for the State submits that the petitioner has subjected the complainant to sexual assault and committed on the rape on the person of the complainant under the false promise to marry the complainant and later on he entered into the 'roka ceremony' of the marriage and thereafter without consent of the petitioner has committed rape on the person of the complainant. Learned APP for the State on instructions, however, admits that the petitioner has joined the investigation and the complainant is a major of 22 years age.

Heard learned counsel for the parties and perused the record. What appears on the record is that the present petitioner as well as the complainant are major and there is an allegation of rape on different dates on the ground of false promise to marry. No marriage has taken place between the parties. The complainant being a major and party to the consent cannot be ruled out.

In these circumstances, the petitioner is further directed to join the investigation as and when directed to do so and in the event of his arrest, the petitioner be released on bail, on his furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the IO/SHO concerned with the direction that:

- (i) The petitioner shall not tamper with the prosecution evidence;
- (ii) The petitioner shall not leave the country without prior permission of the Court concerned;
- (iii) The petitioner shall not make any telephonic call to the complainant and shall not visit the house of the complainant and nearby area too.

The present bail application is disposed of in the above terms. The observations made in this order shall not affect the merits of the case.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

MAY 09, 2017
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