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

+ **BAIL APPLN. 433/2017**

KAPIL GUPTA

..... Petitioner

Represented by: Mr. J.P. Sengh, Sr. Adv. with
Mr. Abhishek Verma, Mr.
Yogesh Kumar, Ms. Manisha
Mehta, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Bhawani Shanker, PS Mianwali
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

05.05.2017

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By the present petition the petitioner seeks bail in case FIR No.56/2017 under Sections 376/506 IPC registered at PS Mianwali Nagar.

Learned counsel for the petitioner contends that at the time when the complainant alleges that she was raped on the pretext of marriage she was already married and during the subsistence of a marriage she could not be lured into a promise of marriage.

The allegations of complainant in the FIR are that she was married to one Subendu in the year 2009 and a daughter was born from the said wedlock, however her relations became strained with Subendu who filed a case seeking divorce from her. While the divorce proceedings were

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pending, she met the petitioner who is the brother-in-law of her sister and was also in the process of getting separated from his wife. Soon intimacy developed between the two and the petitioner proposed the complainant for marriage but the complainant turned down. However, on the assurance of the petitioner that he would accept the daughter of the complainant, the complainant accepted the marriage proposal and both of them established relationship. Later after divorce was granted to the complainant from her husband in 2016, the petitioner failed to marry her.

As noted in the complaint itself, the complainant had not been divorced by the time promise of marriage was made and relationship was established between them.

Considering the facts noted in the complaint itself and the fact that charge-sheet has already been filed, this Court deems it fit to grant bail to the petitioner. 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 will not leave the country without the prior permission of the Court concerned and will intimate any change of address to the Trial Court by way of an affidavit.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MAY 05, 2017
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