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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 490/2017
KAMLESH KUMAR SHARMA Petitioner
Through Mr.Surinder Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through: Mr.Kewal Singh Ahuja, APP for State

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

ORDER
% **20.03.2017**

Crl. M.A. 4570/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Bail Appln. 490/2017

This is an application under Section 439 Cr. P.C. filed on behalf of the petitioner for grant of bail in case FIR No.35/2017, under Sections 376/313 IPC, registered at Police Station Sagar Pur, Delhi.

Counsel for the petitioner has submitted that the petitioner is a law-abiding citizen and the allegations as alleged in the aforesaid FIR are false and baseless. Counsel further submits that the petitioner is not required for further investigation and he is in judicial custody since 08.02.2017. Counsel further submits that the allegation of rape is false and further the victim is a major aged 28 years and if there is any allegation the same is hit by the consent of the victim, as the FIR itself shows that she fell in love with the

present petitioner and accordingly prays that the petitioner may be released on bail.

Learned APP for the State, on the other hand, vehemently opposes the bail application and submitted that there is an allegation of abortion and forceful relationship.

Heard learned counsel for the petitioner and learned APP for the State and perused the record.

Bare perusal of the record shows that the victim is 28 years of age and the petitioner and victim are known to each other prior to their physical relationship, which had taken place at the victim's own house and further the said physical relationship kept on which resulted into abortion. Further the abortion cannot be done without the consent of the victim.

In these circumstances, I admit the petitioner 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 concerned MM with the condition that he shall not leave India without prior permission of the Court below and shall not tamper with the prosecution evidence and shall not make any telephonic call to the victim and also shall not visit the house of the victim.

The application is allowed and stands disposed of in the above terms.

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

I.S.MEHTA, J

MARCH 20, 2017/km