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

+ **BAIL APPLN. 511/2017**

KAPIL TYAGI

..... Petitioner

Through :Mr. Pradeep Tyagi and Mr. C.B.
Gururaj, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through :Mr. M.S. Oberoi, APP with SI
Shivani, P.S. Jyoti Nagar &
complainant in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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12.07.2017

By this application under Section 438 Cr.P.C., learned counsel for the petitioner has prayed for the grant of anticipatory bail, which has been opposed by the learned APP on the grounds that there are serious allegations of rape against the petitioner. Learned APP has contended that in her statement recorded under Section 164 Cr.P.C., prosecutrix has categorically stated that petitioner had promised to marry her and had established physical relations with her on several occasions, inasmuch as took ₹8 Lacs from her.

Prosecutrix is aged about 30 years and have two school going children. She is not having good relations with her husband and is living separately with her mother for the last four years. She has alleged in her

statement under Section 164 Cr.P.C. that she came in touch with the petitioner through Facebook in the month of December, 2015. They met in January, 2016. She has admitted in her statement that she is not a divorcee. In her Aadhar Card, petitioner's name was given as husband of the prosecutrix. Petitioner took ₹8 lacs from her on one or the other pretext.

Learned counsel for the petitioner has referred to Annexures A and B, which are complaints dated 13th December, 2016 and 17th December, 2016 made by the prosecutrix to the SHO and DCP of the concerned police station, wherein prosecutrix has not whispered even a single word that petitioner has committed rape upon her and/or established physical relations with her against her wishes.

Keeping in mind the totality of the circumstances, it is ordered that in case of arrest, petitioner be released on bail subject to his furnishing a personal bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

JULY 12, 2017/rb