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

+ **BAIL APPLN. 1439/2016 & CRL.M.B. 1344/16**

RITANSHU DELORY

..... Petitioner

Through : Mr.Vikas Pahwa, Sr.Advocate with
Ms.Devna Soni, Ms.Kinnori Ghose,
Mr.Aditya Dogra, Mr.Tushar Sharma,
Mr.Karan, Ms.Astha Sharma &
Mr.Eakir Hussain, Advocates.

versus

STATE

..... Respondent

Through : Mr.Amit Gupta, APP with W/PSI
Komal, PS Tilak Nagar.
Mr.Ajayinder Sangwan, Advocate
with Mr.Tarunesh Kumar &
Ms.Rishina Parashar, Advocates
along with complainant in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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10.02.2017

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.447/2016 registered under Section 376 IPC at PS Tilak Nagar. Status report is on record. The bail application is contested by the complainant.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file.

3. Admitted position is that both the prosecutrix and the petitioner

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were acquainted with each other since 2008. They came into contact with each other when they were pursuing studies at Delhi Institute of Rural Development. They became friends and physical relations took place between the two. It is alleged that the accused had promised to marry the prosecutrix after the passing the exam. The petitioner was financially assisted by her. It is also admitted that in 2011 the said relationship came to an end. Complainant alleged that after she realised that the petitioner was befooling her, she broke all her relations with him in 2011. It is alleged that in 2014 again, the petitioner approached her and promised to marry her. They again came close and in December, 2014 physical relationship took place between the two in a restaurant with her consent. It is further alleged that she came to know that the petitioner was in contact with other girls. When she asked him to marry, the petitioner declined. She informed that money was demanded by the petitioner from her to purchase bullet bike and mobile phones.

4. The petitioner is aged around 25 years; the prosecutrix was major on the day of occurrence. Physical relations took place with her consent on several occasions albeit on the alleged promise to marry. When the marriage did not take place, the prosecutrix lodged the FIR in question. It is relevant to note that earlier friendship had continued from 2008 – 2011. When the marriage between the prosecutrix and the petitioner did not occur, realising her mistake, the complainant purportedly snapped the relationship. Again in 2014, the friendship developed between the two and the complainant established physical

relation with consent allegedly on promise to marry. Apparently, the prosecutrix was aware of the consequence of her act. After being allegedly befooled from 2008 – 2011, when the petitioner did not come forward to marry her, there was no compelling reasons for her to trust the petitioner again and to establish physical relation in 2014 on the alleged promise to marry.

5. It is pertinent to note that before lodging the FIR in question, the complainant had issued a legal notice dated 25.04.2016 through her counsel to the petitioner and his parents in which they were asked to settle the matter or else the victim would be entitled for compensation to the tune of ₹50 lacs on account of loss of reputation. Apparently, at first instance the prosecutrix has not preferred to lodge any FIR under Section 376 IPC.

6. During the course of arguments, learned counsel for the victim alleged that threats were being extended by the petitioner and victim's nude photographs were being circulated. Status report reveals that on checking the mobile phone of the petitioner, no photos or videos were found therein. Complainant was enquired about it but she did not provide any photos or videos. Pursuant to the notice under Section 91 Cr.P.C. she did not provide the photographs, the copy of messages, the laptop and the mobile phone.

7. Considering the facts and circumstances of the case, the petitioner is granted anticipatory bail and in the event of arrest, he be released on furnishing personal bond in the sum of ₹ 50,000/- with one surety in the like amount to the satisfaction of the SHO/

Investigating Officer. He shall, however, join the investigation as and when required. He shall not contact the prosecutrix and shall not criminally intimidate her in any manner. No photo whatsoever of the prosecutrix shall be published or circulated by him to anyone in any manner.

8. The bail application stands disposed of. Pending application also stands disposed of.

S.P.GARG, J

FEBRUARY 10, 2017 / tr