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

+ BAIL APPLN. 719/2017 & CrI.M.(B) 720/2017, CrI.M.A.6639/2017

KAPIL ABROL Petitioner

Through: Mr. Ruchir Batra, Adv.

versus

THE STATE Respondent

Through: Mr. Amit Chadha, APP for State with
WSI Kajal Rani, PS Vikas Puri.
Mr. Vijay Kaushik & Mr. Sahil
Sharma, Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **24.04.2017**

It is conceded by the petitioner that he was engaged in a prolonged physical relationship with the prosecutrix. In the FIR, the prosecutrix has alleged that such cohabitation resulted in she becoming pregnant three times, the first two pregnancies having been forcibly terminated by acts of commission/omission on the part of the petitioner, she having resisted such attempt qua the third pregnancy. Though it is admitted by the petitioner that the first pregnancy was terminated, it is his case that this was so arranged with the consent of the prosecutrix. The petitioner's counsel on being asked submitted that the third pregnancy which is referred in the FIR is not on account of cohabitation with the petitioner. There are references made to the prosecutrix having engaged in physical relationship with certain other persons as well. The facts cannot be investigated properly unless the petitioner surfaces.

The learned Additional Public Prosecutor submits that because the petitioner would not join investigation on the requisition of the investigating officer, non-bailable warrant was issued against the petitioner and since such process could not be executed, even proclamation under Section 82 Cr.P.C. has been issued.

In these circumstances, this cannot be said to be a fit case for anticipatory bail.

Dismissed.

R.K.GAUBA, J

APRIL 24, 2017

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