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

+ **BAIL APPLN. 791/2017**

VISHABH SAINI

..... Petitioner

Through

Mr.Mukul Talwar, Sr. Adv. with
Mr.Davindera Hora, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through

Mr.Mukesh Kumar, APP for State
S.I. Meenakshi, P.S. Timar Pur

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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01.05.2017

Crl. M.A. 7109/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

Bail Appln. 791/2017

This is an application filed on behalf of petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 148/2017, under Section 376 IPC, registered at Police Station Timar Pur.

Learned counsel for the petitioner has submitted that the petitioner is apprehending his arrest from P.S. Timar Pur in the aforementioned FIR. He further submits that in the instant case the victim is a major and consenting party. He also submits that as per the FIR the date of incident is 20.09.2015, whereas the FIR has been registered on 08.04.2017 i.e. after delay of around 18-19 months. He further submits that even for the purpose of gospel of truth if it is to be presumed then as per the FIR there is a subsequent

relationship, which shows nothing but the consent on the part of the victim. He also submits that the petitioner is also ready to join the investigation and prays that the petitioner be released on anticipatory bail.

Learned APP for the State, on the other hand, vehemently opposes the anticipatory bail application, while submitting that the petitioner has committed consensual assault on the person of the victim under the pretext that he will marry her and till date the petitioner has failed to do so.

Keeping in view all the facts and circumstances, since the victim is a major and as per the FIR the first allegation is of 20.09.2015 and the date of registration of the FIR is 08.04.2017 and there is a delay on the part of the victim which amounts to consent on the part of the victim and the contents of the FIR itself are that she had relations with the petitioner subsequently under the pretext of marriage, in these circumstances the petitioner is directed to join the investigation and in the event of his arrest, he be released on anticipatory bail on furnishing bail bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of IO/SHO concerned, with the further condition that he shall not contact, threaten or coerce the victim or any of her family members; he shall not leave the Country without prior permission of the Court and shall not tamper the prosecution evidence.

The present bail application is allowed and disposed of accordingly.

Copy of this order be given *dasti*.

I.S.MEHTA, J

MAY 01, 2017/km