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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1153/2017**

RAJNISH

..... Petitioner

Through Mr.K.C. Mittal, Adv. with
Ms.Ruchika Mittal & Mr.Mayank
Bansal, Advs.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through Ms. Neelam Sharma, APP.
W/ASI Babita PS Nabi Karim.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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05.07.2017

CRL. M.A.9988/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Bail Appln.1153/2017

The petitioner seeks bail in connection with FIR No.102/2017 dated 17.04.2017 (PS Nabi Karim) instituted for the offence under section 376 of the IPC.

The complainant has alleged that in the month of April 2013, she was subjected to sexual intercourse in a hotel by the petitioner. When protest was made by the complainant, the petitioner is said to have promised her that he would marry her. Thereafter, it is alleged that the petitioner resiled from his assurance and promise of marrying the complainant. Every time when the complainant reverted back to the petitioner over the issue of

marriage, the petitioner is alleged to have dilly-dallied. As the allegations stand, again on the pretext of marrying the complainant, the petitioner is said to have entered into physical relation with the complainant.

From the narration in the FIR, it appears that the relationship between the petitioner and the complainant was voluntary. Had it not been the case, the complainant would have reported the matter way back in the year 2013. It could be, it has been submitted, a case of resiling from the promise made by the petitioner to the complainant but definitely not a case of forcible sexual act.

The chargesheet in this case has already been submitted.

Ms. Neelam Sharma, APP has shown to this Court the chargesheet.

Taking into account the nature of accusation and the delay in filing the FIR as also the fact that the petitioner and the complainant are majors, this Court is inclined to grant bail to the petitioner.

Let the petitioner be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the satisfaction of the Trial Court. It is made clear, however, that the petitioner shall not trouble the complainant in any manner whatsoever and shall participate in the trial. Should he attempt at threatening the complainant or crossing roads with her on any occasion, it would be open for the complainant to approach the trial Court for cancellation of his bail.

The application stands disposed of.

Dasti.

ASHUTOSH KUMAR, J

JULY 05, 2017/ab