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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1198/2017**

SAURABH PASSI Petitioner
Through **Ms.Sumita Kapil, Adv. with**
Mr.Hanumant Sakhuja & Ms.Pooja
Swami, Advs.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent
Through **Mr.Arun Kumar Sharma, APP.**
W/SI Preeti PS Model Town.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **17.08.2017**

The petitioner seeks bail in connection with FIR No.168/2017 dated 26.04.2017 (PS Model Town) instituted for the offences under sections 376/354/506/34 of the IPC.

The petitioner is said to be in custody since 15.05.2017.

The prosecutrix has alleged that she came in contact with the petitioner sometimes in the year 2014 while visiting a gym and then she went abroad. Thereafter it is stated that the petitioner met the complainant only after her having coming back. It is alleged that on 01.01.2017, the petitioner had visited the house of the prosecutrix with a bottle of liquor which he consumed along with her and thereafter subjected her to sexual intercourse. When she regained her consciousness, it is alleged, the petitioner made her understand that he would marry her. Later, as the allegations stands, the behaviour of the petitioner changed and he refused to

enter into any marital relationship with the prosecutrix.

Learned counsel for the petitioner has drawn the attention of this Court to the complaint which was lodged two days prior to the lodging of the present case, against the prosecutrix alleging commission of several acts directed towards harassing him.

This Court has also been taken through the various SMS messages which have been sent by the prosecutrix to the petitioner.

The statement of the prosecutrix recorded under section 164 Cr.P.C. is also substantially different from the averments made in the FIR. The petitioner is stated to be a sports person of repute. The prosecutrix is a person of mature age and it cannot be said that she was not understanding the nature and quality of the liaison with the petitioner.

Chargesheet in this case has already been submitted.

Considering the aforesaid facts, 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 one surety of the like amount to the satisfaction of the Trial Court.

Needless to state that the petitioner shall participate in the trial and his unexplained absence from the trial proceedings on three consecutive occasions would entitle the prosecution to proceed for cancellation of his bail.

The application is allowed and disposed of accordingly.

ASHUTOSH KUMAR, J

AUGUST 17, 2017/ab