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

+ **BAIL APPLN. 1295/2017**

PATWARI LAL

.....Petitioner

Through: Mr. J. P. Singh, Advocate

Versus

STATE

....Respondent

Through: Ms. Aashaa Tiwari, APP for the State
alongwith ASI Mohd. Ismail, M&CP Delhi,
SI Jasmer Singh from Ps.Jahangirpuri.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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20.07.2017

1. By this application filed under Section 439 of the Code of criminal Procedure, 1973, the petitioner seeks grant of regular bail in FIR No. 40/2017 registered at P.S. Jahangirpuri dated 31.01.2017 under section 376 of Indian Penal Code.
2. The version of the prosecutrix as observed in the FIR No. 40/2017 in police station Jahangirpuri reads as under:

“...3. That the complainant had gone to Delhi Jal Board office for some work where the accused met the complainant and gave assurances to do the work of water connection and he reached at the house of the complainant. 4. That the accused started visiting at the house of the complainant and one day he told that he is unmarried and wants to marry with the complainant and then he improved his relations with the complainant. 5. That one day he took the complainant in the temple where he put sindoor in the mang of the complainant and after that he started living with the complainant at her house at jahangirpuri. 6. That they both were living together and the accused was doing sex daily without her consent. One day the son of the accused came and started quarrelling with the accused. When he was asked he told that the children are of his brother, but later on consumer the liquor and told the real facts

that he is already married and have three children. 7. That the complainant felt in surprise after hearing this fact. Lastly on 21.03.2016 the accused committed rape with the complainant forcibly and ran away from the house. That the complainant lodged the complaint against the accused to police station Jahangirpuri, Delhi and to the DCP North West, then the accused was called in P. S. Jahangirpuri, Delhi and he again made compromise in the police station and started living with the complainant at her house till July, 2016 and he committed rape without her consent. 9. That in the month of August, 2016, the accused gave threat to the complainant that he had taken naked photographs of her body and he will publish the same in her locality and since then he ran away. 10. That the accused has cheated the complainant and had committed rape without her consent.....”

3. Mr. J. P. Singh, learned counsel for the petitioner contended that the case against the petitioner is entirely fabricated and is a tool to extort money from him; that the complainant has been working as a servant in the office of the petitioner for the last 12-13 years and no such incident has taken place; that the petitioner is a senior citizen of age above 60 years and has been suffering from various ailments; that the complainant made a complaint on 21.03.2016 against the petitioner alleging rape with her but the matter was compromised by the complainant and again the complainant and the petitioner started residing together till July, 2016; that the testimony of the complainant is false and this case is instituted in order to transfer a property in the name of the complainant

4. Ms. Aashaa Tiwari, learned APP for the state contended that the petitioner took the complainant in a temple and put *sindoor* in the *maang* of the complainant and since then the parties have been living together; that while they were living together the petitioner established physical relations daily without the consent of the complainant; that lastly on

21.03.2016 the petitioner committed rape forcibly and ran away.

5. I have heard learned counsel for both the parties and have also perused the material available on record.

6. The complainant was medically examined on 31.01.2017. As per the statement of the complainant U/s 164 the parties have been residing together for 12-13 years but have not been married. She stated that from 27.07.2017 the petitioner has left the company of the respondent. She further stated therein that the petitioner always told her that he would get married to the complainant but in fact never did. She further stated that the relationship between the parties was that of husband and wife.

7. Be that as it may, there are very grave allegations against the petitioner. He had developed relations with the complainant on the pretext of marriage and committed repetitive acts of rape upon her and subsequently, refused to marry her.

8. Learned counsel for the petitioner contended that the case against the petitioner is entirely fabricated and is a tool to extort money from him. At this juncture, it is relevant to mention that the complainant and other material witnesses are yet to be examined and it is too early a stage to accede to the petitioner's request for bail.

9. Keeping in view these facts and without expressing anything on the merit of the case, I do not find any merit in the regular bail application. The same is rejected.

10. Resultantly, the petition is dismissed.

SANGITA DHINGRA SEHGAL,J.

JULY 20, 2017

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