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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1271/2017**
AJAY KUMAR GUPTA Petitioner

Through: Mr. Gaurav Kochar, Adv.

versus

STATE Respondent

Through: Ms. Manjeet Arya, APP for State.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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10.08.2017

Learned counsel for the petitioner submits that a perusal of FIR itself shows that petitioner is a 23 years old mature woman and was a consenting party. Petitioner had not made any false promises to the prosecutrix.

In the FIR, prosecutrix has alleged that petitioner had promised to arrange a job for her. It is further alleged that petitioner had forcibly booked tickets for Bhubaneswar. Petitioner also took her in a rented flat in Munirka, Delhi on 25th September, 2014 and raped her. Learned counsel further submits that prosecutrix has herself stated in the FIR that she stayed with the petitioner for more than one year. Though, she has alleged in the FIR that she was confined in a room, however, she did not raise any alarm nor did complained to any neighbour that petitioner was keeping her with him against her wishes. Whether petitioner had extended false promises or not is

a matter of trial.

Learned APP has opposed the bail application. She submits that petitioner developed physical relations with the prosecutrix against her wishes on the pretext that he will marry her, however, petitioner did not do so. Offence alleged against him is serious in nature. Thus, petitioner is not entitled to bail.

Petitioner is in custody for the last 6 months. Statement of prosecutrix has already been recorded. Trial is underway. Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to his furnishing a personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial court.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

AUGUST 10, 2017

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