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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2511/2016**

SUBHASH Petitioner

Through: Mr. U.M. Tripathy, Adv.

versus

STATE Respondent

Through: Ms. Neelam Sharma, APP for State
with SI Nirmala Singh, P.S.
Govindpuri.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **13.01.2017**

Learned counsel for the petitioner submits that as per the FIR itself prosecutrix is aged about 28 years. She was married to one Manoj in the year 2001. She left her matrimonial home and came to Delhi in the year 2008 to live with her brother. Thereafter, she left her brother's house also and started living separately. She herself stated that she and petitioner became friends.

It is further submitted that though, prosecutrix has alleged that petitioner promised to marry her but no such promise was extended by the petitioner. Petitioner was having friendly relations with the prosecutrix. Petitioner's parents fixed his marriage with someone else at which prosecutrix has filed the present FIR falsely implicating the petitioner.

Prosecutrix has alleged that petitioner had forcibly raped her on 31st August, 2016 but FIR has been lodged after five days. Petitioner is in custody for about four months. Investigation is complete and charge-sheet has been filed.

Learned APP for the State has opposed the bail application. It is submitted that petitioner had promised to marry the prosecutrix, however, he did not marry her. When the prosecutrix asked him to marry on 5th July, 2016, petitioner informed her that his marriage has already been fixed. Thereafter, on 31st August, 2016 petitioner came to the prosecutrix's house and raped her.

Keeping in mind totality of the circumstances, petitioner is admitted to bail subject to furnishing a personal bond in the sum of ₹20,000/- 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.

JANUARY 13, 2017

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