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

+ **BAIL APPLN. 1448/2017**

BIRENDER YADAV

..... Petitioner

Through Mr. Piyush Prabhakar, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through Mr. Hirein Sharma, APP for the State
ASI Krishna, PS Mangol Puri

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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16.11.2017

Pursuant to direction dated 12.9.2017, the verification report has been submitted by the State in respect of copy of the CD of the conversation recorded between the applicant and brother and father of the prosecutrix. The CD was supplied to the I.O. only on 28.8.2017. As per the report dated 13.10.2017 of the SHO, P.S. Mangol Puri, the copy of the conversation that had been furnished on behalf of the applicant by the counsel for the applicant was examined and it was found that the conversation had taken place between the members of both the families and the family members of the complainant agreed to settle the case after taking a sum of Rs.5,00,000/- and that the brother of the accused paid a sum of Rs.50,000/- but subsequently talks failed.

On behalf of the applicant it is submitted that the applicant and

the complainant had been married and that all allegations against the applicant are fabricated and false. It has further been submitted on behalf of the applicant that even as per the averments made in the FIR the applicant and the complainant did not stay together from 14.2.2017 and that the FIR in question has been registered on 13.4.2017 and there has been a substantial delay in filing the same.

On behalf of the State it is submitted that there is no explanation put forward why the FIR was registered on 13.4.2017 and taking into account the factum of the settlement as indicated by the conversation between the family members of the complainant and the applicant recorded in the CD and the factum that there are no previous antecedents against the applicant, subject to the applicant joining the investigation of the case, subject to the applicant not committing any offence whatsoever, subject to the applicant not leaving the country and subject to the applicant not attempting to influence the witnesses of the prosecution and not intimidating them in any manner and not tampering with the evidence in any manner and subject to the applicant furnishing a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial court, in the event of his arrest, the applicant is allowed to be released on bail.

It is made expressly clear that nothing observed hereinabove shall amount to an expression on the merits of the case.

The bail application stands disposed of.

ANU MALHOTRA, J

NOVEMBER 16, 2017/aj