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

+ BAIL APPLN. 1413/2017

VIKAS

..... Petitioner

Through :Mr. Sittab Ali Chaudhary, Mr. Nasir
and Mr. Parvez Malik, Advs.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through :Ms. Meenakshi Dahiya, APP with SI
Maneeta, P.S. C.R. Park

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **06.09.2017**

Prosecutrix is aged about 21 years and is a grown up woman. As per the FIR, prosecutrix was known to the petitioner for the last six years from the date of registration of FIR. He proposed to marry her. She refused his proposal. On 19th January, 2016 petitioner again proposed to marry her and on this pretext he established physical relations with her. On 27th April, 2017 petitioner had made physical relations with her for the last time. When she asked him to marry her, he refused.

Learned APP submits that petitioner had also forced the prosecutrix to terminate her pregnancy on three occasions.

Learned counsel for the petitioner submits that prosecutrix has made improvements in her statement under Section 164 Cr.P.C. In the FIR, she has stated that petitioner made physical relations with her only on 19th January, 2016 for the first time though she was known to petitioner from past six years. If that is so, then petitioner could not have forced her to terminate the pregnancy thrice. It is further submitted that petitioner had never promised to marry the prosecutrix. Petitioner and prosecutrix were in relationship for the last six years and prosecutrix was a consenting party.

Whether consent of prosecutrix was obtained by misrepresentation or not, is a subject matter of trial. Charge-sheet has been filed. Petitioner is in judicial custody for the last three months.

Keeping in mind the totality of the facts and circumstances of this case, petitioner is admitted to bail, subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) 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.

SEPTEMBER 06, 2017

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