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

+ **BAIL APPLN. 2580/2016**

SAGAR SHOKEEN

..... Petitioner

Through: Mr. Vijay Dalal, Adv.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP with SI
Asha Rani, PS Chhawla

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
21.02.2017

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Learned APP states that the petitioner has joined the investigation. The petitioner has preferred the present anticipatory bail application to seek anticipatory bail apprehending arrest in case FIR 413/2016 u/s 328/376/506 IPC registered at PS Chhawla.

The submission of counsel for the petitioner is that the said case has been registered on the complaint of the prosecutrix on account of a live-in relationship going bad. Counsel for the petitioner submits that the physical relations between the parties were established consensually out of love and affection. Merely because subsequently the said relation has gone bad is not sufficient to invoke section 376 IPC.

Reliance may be placed on *Sunil Mahadev Patil v. State of Maharashtra*, ABC 2016 (I) 34 Bom decided on 03.08.2015 by the Bombay High Court.

In view of the aforesaid, since the present is not claimed to be a brutal and forceful rape by the petitioner and it would need trial to establish whether or not the petitioner had promised the prosecutrix to marry knowingly well and that he did not intend to marry, and on that basis he had established physical relationship with the prosecutrix. Accordingly, the petitioner is entitled to anticipatory bail.

In these circumstances, I am inclined to allow this petition. In case of his arrest, the petitioner shall be entitled to be released on bail subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.20,000/- to the satisfaction of the arresting officer/ IO;
- ii) he shall provide his mobile phone number to the IO, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the IO;
- iii) he shall join the investigation as and when called for;
- iv) he shall not contact the complainant or any other witness in the case and shall not try to influence any witness or tamper with evidence.

Dasti.

VIPIN SANGHI, J

FEBRUARY 21, 2017

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