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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4310/2017 & Crl. M.A. no. 17317/2017 (exemption)
SAUMYA TRIPATHI Petitioner
Through Ms. Meenakshi Rawat, Mr. Rajeev
Chhetri and Mr. Rajesh Chhetri,
Advs. with petitioner in person

Versus

THE STATE NCT OF DELHI & ANR Respondents
Through Mr. M.S. Oberoi, APP with W/SI
Bhargavi, P.S. Mandawali for the
State

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **26.10.2017**

1. By this petition under Section 482 Cr.P.C., petitioner has prayed for cancellation of anticipatory bail granted by the trial court to the respondent no. 2, vide order dated 3rd July, 2017.
2. Order, impugned in this petition, is a speaking order. Reasons have been assigned for extending benefit of anticipatory bail.
3. Learned counsel for the petitioner submits that anticipatory bail ought not have been granted to the respondent no. 2, in view of specific allegations levelled by the petitioner against him in the FIR to the effect that respondent no.2 had developed physical relations with her forcibly on 5th March, 2017

after extending promise to marry her. Even, thereafter, he had physical relations with the petitioner on several occasions on this pretext. Moreover, subsequently he refused to marry her and got engaged with some other girl on 7th May, 2017 and married that girl on 21st May, 2017. In these facts, as per the learned counsel, trial court has erred in granting anticipatory bail to petitioner.

4. A perusal of FIR and impugned order shows that marriage proposal was discussed between the parents of petitioner and respondent no. 2. However, said marriage proposal could not be materialized. As per the petitioner, respondent no. 2 called her subsequently on her mobile phone and told her that he liked her. He represented that his family members also had no objection for the marriage. On this false promise, he developed physical relations with her on 5th March, 2017 forcibly. He had sexual intercourse with her subsequently on several occasions. Later on, he declined to marry her and married someone else on 21st May, 2017. Prior thereto he got engaged with that girl on 7th May, 2017. Trial court has noted that in the MLC, alleged history was recorded as ‘consensual physical relation on the false promise of marriage’. It is noted that this history was given by the petitioner to the concerned doctor. As against this, in the FIR, petitioner has

alleged that respondent no. 2 had sexual intercourse with her forcibly. In my view, veracity of version of the petitioner has to be tested during the trial.

5. In the above facts, I am of the view that trial court has not committed any illegality in extending benefit of anticipatory bail to the respondent no.2. In the facts of this case, trial court has exercised its discretion in a judicious manner and not as a matter of course. Impugned order is not devoid of reasons nor suffers from non-application of mind.

6. It is noted that petitioner is 26 years old educated woman. She knew that her marriage proposal had already failed. She also knew implications of such promises in such circumstances.

7. Learned APP submits that charge-sheet is ready and shall be filed soon.

8. For the foregoing reasons, I do not find any reason to interfere with the impugned order passed by the trial court. Accordingly, petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

OCTOBER 26, 2017
r.bararia