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

+ **BAIL APPLN. 2152/2017**

DEEPAK KUMAR MOGHA

..... Petitioner

Through: **Mr.Rajpal Kasana, Mr.Rahul Baisoya
& Mr.Shaheen Sheikh, Advocates**

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Ms.Rajni Gupta, APP for the State
with SI Kamlesh PS Sagarpur
Mr.Sushil Kumar Pandey & Ms.Neha
Sharma, Advocates for the
complainant with complainant in
person**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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10.11.2017

1. By way of this application filed under Section 439 Cr.P.C., read with Section 482 Cr.P.C, the petitioner is seeking regular bail in FIR No.160/2017, under Sections 376/323/313 IPC, PS Sagarpur.
2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 7th June, 2017. It was a case of consensual relationship and so far as the allegations of the complainant being forced to go for abortion is concerned, the record of Shivaji Medical and Maternity Centre reveals that consent of her mother was taken for abortion.

3. Learned counsel for the petitioner has also submitted that the petitioner was already married, though divorce proceedings with his wife have not been concluded so far and this fact was well within the information of the complainant who is residing as a tenant in the same property and was well aware of the marital status of the petitioner.

4. Taking into consideration that the petitioner is in custody since 7th June, 2017 and complainant along with her family was residing as tenant in the property owned by the petitioner, in the FIR she has mentioned her age to be 28 years and that her consent was obtained on his promise to marry, the petitioner is admitted to bail on his furnishing a personal bond in the sum of ₹50,000/- with one surety of the like amount to the satisfaction of the Trial Court/Link Court, subject to the condition that petitioner will not try to contact the complainant in any manner whatsoever.

5. The application is disposed of.

Order *dasti*.

PRATIBHA RANI, J.

NOVEMBER 10, 2017

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