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

+ **BAIL APPLN. 2233/2017**

**NAFEES**

..... Petitioner

Through Mr. Ramesh Gupta, Sr. Adv with  
Mr. Kundan Kumar, Adv

versus

**THE STATE GOVT OF NCT OF DELHI**

..... Respondent

Through Ms. Meenakshi Dahiya, APP for State  
SI Juli, PS Welcome

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

% **06.11.2017**

Learned Senior counsel for the petitioner submits that prosecutrix is a major and is aged about 19 years of age. As per FIR itself, she was a consenting party. She was in relationship with the petitioner, which fact she has admitted. Subsequently, after their break up, she levelled allegations against petitioner that he had promised to marry her and on that pretext he developed physical relations with her on several occasions.

Learned APP has opposed grant of anticipatory bail to the petitioner. Learned APP, however, has verified the age of the prosecutrix and she is stated to be major. It is, however, contended that petitioner had promised to marry the prosecutrix and developed physical relations with her on several occasions for the last about 7 months, thereafter, he refused to marry her. In the meanwhile, prosecutrix became pregnant.

Learned senior counsel for petitioner submits that prosecutrix was

already married to one Talib S/o Sh. Idrish R/o Village Umari Kalan, District Moradabad, U.P. It is contended that the question as to whether it was a consensual physical relations between petitioner and prosecutrix or that petitioner had obtained her consent on false representation and promise, would be determined during the course of trial. It is submitted that prosecutrix is major and was aware of the consequences of having such physical relations.

Keeping in mind the totality of facts and circumstances, it is ordered that in case of arrest, petitioner be released on anticipatory bail subject to his furnishing a personal bond in the sum of ₹20,000/- (Rupees Twenty Thousand Only) with one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Officer/SHO concerned.

Bail application is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

*Dasti.*

**NOVEMBER 06, 2017**

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**A.K. PATHAK, J**