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IN THE HIGH COURT OF DELHI AT NEW DELHI

Order reserved on 29th November, 2017

Order pronounced on 6th December, 2017

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BAIL APPLN. 2214/2017

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..... Petitioners

Through: Mr. Bharat Bhushan and Ms Jyoti Tyagi,
Advocates.

versus

THE STATE GOVT OF NCT OF DELHI Respondents

Through: Mr. Mukesh Kumar, APP for the State
with SI Manisha Sharma, PS-Aman
Vihar.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

1. By this application filed under Section 438 of Cr. P.C., the applicant seeks anticipatory bail in FIR No. 503/2017 under Section 376/354D/506 of Indian Penal Code, registered at Police Station – Aman Vihar, Delhi.
2. The case of the prosecution in nutshell is that about one year prior to the registration of the FIR in present case, the prosecutrix was attending the classes for beauty parlour & sewing of clothes at Mundka NGL and the applicant, who resides near her house used to follow her on the pretext that he loves her which was objected by the prosecutrix; that one day when the prosecutrix was out from her house for some work, applicant met her and took her to Laxmi Vihar Park, Prem Nagar-III, and committed rape upon her without her consent and also threatened not to disclose else he would kill

her and her brother; that applicant sexually assaulted the complainant two to three times during the last one year; that on 03.05.2017, when the complainant was returning to her house, applicant stopped her and attached with a blade on the right side neck for which a separate FIR No. 119/2017 under Section 324/506/34 IPC was registered at the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent boy and has been falsely implicated in the present case; that the applicant and complainant are known to each other since 2016 and was in relationship, exchanged love letters and relied on photographs which are annexed with the application; that they were willing to get married but when differences arose, the complainant lodged a false and fabricated FIR against the applicant; that no allegation of sexual assault has been made against the applicant by the complainant in FIR No. 119/17 under Section 324/506/34 registered at Police Station – Mundka, which was lodged three days prior to registration of present FIR.
4. I have heard the learned counsel for the parties and perused the material available on record.
5. Learned APP for State concedes that the applicant and the complainant were known to each other and similar complaint has already been lodged by the complainant since the applicant has joined investigation and custodial interrogation is not required in the matter and the chargesheet is likely to be filed shortly.

6. Taking into consideration facts and circumstances of the present case, this Court is inclined to grant anticipatory bail to the applicant, subject to :-
- i. his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount subject the satisfaction of Arresting Officer/SHO concerned;
 - ii. That the applicant shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;
 - iii. That the applicant shall not leave the territorial jurisdiction of the NCT of Delhi;
 - iv. That the applicant shall not try to contact and influence the complainant and other witnesses of the present case.
7. Before parting with the above order, it is made clear that anything observed in the present application shall not have any bearing on the merits of the case during trial.
8. Application stands disposed of.

SANGITA DHINGRA SEHGAL, J.

DECEMBER 06, 2017

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