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

+ **BAIL APPLN. 2390/2017**

ROHIT CHOUDHARY Petitioner

Through: Mr. Gaurav Kumar, Advocate.

Versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Ravi Nayak, Additional Public
Prosecutor for the State with
SI Sandeep Sharma, P.S. Vasant Kunj
(North).

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **05.12.2017**

Crl. M.A. No.19266/2017 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed off.

BAIL APPLN. 2390/2017

The petitioner seeks bail in FIR No.0374/2017 dated 10.07.2017 registered at Police Station Vasant Kunj, New Delhi, for the offences punishable under sections 354 (C)/376/506/377 IPC. He has been in custody since 05.08.2017.

The learned counsel for the petitioner relies upon the transcript of conversation between the prosecutrix and her mother on 25.06.2017, which shows the consensual relationship with the petitioner. He submits that the petitioner is 21 years old and is studying at ITI, Ghaziabad. The prosecutrix is about 32 years with eight years old daughter and she has recently been divorced.

The learned counsel for the State argues that the prosecutrix in her statement under section 164 Cr.P.C. has stated that foundation of their relationship was a promise to marry, but the petitioner has breached the promise. The prosecutrix too opposes the bail. It is contended that the phone-call transcript, which is sought to be relied upon by the petitioner, can only be appreciated in the trial and not at this stage.

It is the petitioner's case that he is a resident of Ghaziabad, but pursuant to the FIR and the intimation received from the police, he went to Police Station Vasant Kunj, Delhi and surrendered there. However, the learned counsel for the State refutes the same and submits that the petitioner was arrested from a Mall in Vasant Kunj.

Considering the nature of the consensual relationship, the submission regarding the petitioner having surrendered to the police in Vasant Kunj, Delhi although he is a resident of Ghaziabad (UP), and the submission of the learned counsel for the parties, the Court is of the view that a case for bail is made out. Accordingly, the petitioner is released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of hearing to be fixed by the Court concerned;
- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if held by the petitioner, shall be deposited with the Trial Court concerned; and

(iv) the petitioner will duly intimate his new address and contact number to the SHO/IO of the case (in case of change) under intimation to the Trial Court concerned.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for information.

A copy of this order be given *dasti* to the learned counsel for the parties under the signatures of the Court Master.

The petition stands disposed off in the above terms

NAJMI WAZIRI, J.

DECEMBER 05, 2017

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