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

% Judgment delivered on: 05.12.2018

\+ BAIL APPLN. 58/2018

HEMANT ..... Petitioner

versus

THE STATE GOVT OF NCT OF DELHI ..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. R.K. Kochar, Advocate.

For the Respondent : Mr. Hirein Sharma, APP for the State with W/SI Prabha

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
05.12.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks bail in FIR No.396/2017 under Section 376 IPC, Police Station Prasad Nagar.

2. It is alleged in the FIR that the complainant resides alongwith her family in a tenanted property and came in contact with the petitioner 7-8 years ago and was in relationship with the petitioner.

3. It is alleged that on the premise of marriage, the petitioner first made relationship with her in the year 2012 without her consent and thereafter physical relation was made several times. It is contended

that in March 2016, they went to Haridwar, where also they had physical relationship and thereafter the petitioner is alleged to have refused to get married to the complainant.

4. The FIR alleges that during this period the complainant had given gold bracelet and gifts to the petitioner worth Rs.6,00,000/- and whenever the said amount was demanded, he refused to pay the same. The FIR alleges that in case the petitioner pays to the complainant the said amount of Rs.6,00,000/-, then she does not want any prosecution. It is stated that the amount of Rs.6,00,000/- be got recovered as early as possible as she is bearing interest on the same.

5. The petitioner was granted interim protection by order dated 30.01.2018 subject to joining investigation.

6. Learned Addl. PP for the State submits that the petitioner had joined investigation as and when was called by the Investigating officer and the investigation is complete and chargesheet has already been filed, however, as there was an interim protection by this Court, chargesheet has been filed without arrest.

7. Learned counsel for the petitioner submits that since the chargesheet has been filed without arrest, he seeks leave to withdraw the present bail application with liberty to approach the trial court for grant of regular bail.

8. In view of the above, the application is dismissed as withdrawn

with liberty as prayed for. The petitioner shall file an application before the trial court for grant of regular bail within a period of one week from today. The interim protection, granted to the petitioner, by order dated 30.01.2018, shall enure to the benefit of the petitioner till the disposal of the application for grant of regular bail by the Trial Court and in case, the Trial Court is inclined not to admit the petitioner to bail, then the interim protection shall enure for a period of one week thereafter.

9. It is clarified that in case the petitioner fails to file an application seeking regular bail within one week from today, the interim protection granted to the petitioner shall automatically lapse.

10. It is further clarified that this Court has not expressed any opinion on the merits of the case and the Trial Court shall be at liberty to consider the application without being influenced by anything stated in this order.

11. The petition is disposed of in the above terms.

12. Order *Dasti* under signatures of the Court Master.

DECEMBER 05, 2018 **SANJEEV SACHDEVA, J**
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