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

+ **BAIL APPLN. 233/2018**

NISHANT PAL

..... Petitioner

Represented by: Mr.Surinder Kumar, Ms.Jyotsana
Gupta and Mr.Ritesh Bindra,
Advocates

versus

STATE

..... Respondent

Represented by: Ms.Rajni Gupta, APP with WSI
Sangeeta, PS Mangol Puri

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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09.04.2018

1. By this petition, petitioner seeks anticipatory bail in case FIR No.1437/2017 under Section 376/323/506/34 IPC registered at PS Mangol Puri.

2. In the above noted FIR, the complainant alleged that the petitioner was her batch mate during the course and on the promise of marriage, they both became friendly. Since they loved each other and the petitioner promised to marry her, they had physical relationship, however, later the petitioner refused to marry her. Statement of landlord of the prosecutrix has also been recorded who stated that petitioner used to visit the prosecutrix at her residence.

3. Learned counsel for petitioner contends that though the petitioner intended to marry the prosecutrix, however, in the meantime, his elder brother passed away, thus he was constrained to marry the widow of his

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elder brother. According to learned counsel for petitioner, the parties have settled the matter and in this regard, they filed a petition for quashing of the above noted FIR being W.P.(CrI.) No.965/2018, however, the same has been dismissed by this Court on 6th April, 2018.

4. Considering the nature of allegations and that the reason for non-fulfilment of promise of marriage was the supervening circumstance of death of petitioner's brother, this Court deems it fit to grant anticipatory bail to petitioner. It is, therefore directed that in the event of arrest, petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court and in case of any change in the residential address, the same will be intimated to the Court concerned by way of an affidavit.

5. Petition is disposed of.

6. Dasti.

MUKTA GUPTA, J.

APRIL 09, 2018

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