

5# \$~

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

+ **BAIL APPLN. 403/2018 and Crl. M.A. No. 3186/2018 (Stay)**

VIJAY SHANKAR

..... Petitioner

Represented by: Mr. Subodh K. Pathak and Ms.
Pranita Shekhar, Advocates.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State
with SI Rajpal, PS Moti Nagar.
Mr. Anil Kumar Kambhoj,
Advocate for the complainant
with complainant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.04.2018

%

1. By this petition the petitioner seeks anticipatory bail in case FIR No.24/2018 under Sections 376/313/354 IPC registered at PS Moti Nagar, Delhi.

2. In the complaint filed by the prosecutrix she alleged that in August, 2016 she was going to Gorakhpur along with her family and in the same coach she met the petitioner who started talking to her, obtained her complete identity and gave his identity. Since both the parties belonged to the same caste and the education was good, age was appropriate, the petitioner desired to marry the victim. Mobile phone numbers from both the sides were exchanged, the petitioner started visiting her house and made physical relations with her on the pretext of marriage.

BAIL APPLN. 403/2018

Page 1 of 3

3. According to the complainant, this continued for several months and in the year 2017 she became pregnant, when she told this to the petitioner, he stated that he is still to obtain higher education and her pregnancy was got terminated by the accused/petitioner. Again in October, 2017 petitioner took the victim to his house in Deoria City, U.P. and established relationship with her. It is thus alleged that on the false promise of marriage, petitioner committed rape on her.

4. During the course of investigation statement of the prosecutrix was recorded under Section 164 Cr.P.C. by the learned Metropolitan Magistrate wherein she stated that in August, 2016 she met the petitioner in a train when she was going to Gorakhpur with her family. The contacts were exchanged and since both belonged to the same caste, they developed friendship and the families started talking about marriage. Thereafter the petitioner and complainant had physical relationship and this continued. On one day they had arguments and thereafter the petitioner switched off his phone. Complainant felt that she had been left and feeling hopeless she lodged the FIR.

5. After recording of the aforesaid statement under Section 164 Cr.P.C. the complainant got recorded another supplementary statement under Section 161 Cr.P.C. stating that she could not tell the complete facts to the Hon'ble Court when her statement under Section 164 Cr.P.C. was recorded because she was feeling hopeless and was not able to tell everything and made allegations against the uncle and friends of the petitioner.

6. As regards pills being given for forcible abortion are concerned, case of the prosecutrix was that she was treated at Primus Hospital, Chankyapuri.

Verification in this regard was done from the concerned doctor who stated that the prosecutrix was advised ultrasound and on 18th May, 2017 she visited with her ultrasound report showing clots in uterus and bleeding. She was given medicine for anaemia and stopping of bleeding however, the prosecutrix did not inform the doctor about having the abortion pills.

7. Considering the vacillating stand of the prosecutrix, this Court deems it fit to grant anticipatory bail to the 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 the petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

8. Petition and application are disposed of.

9. Order dasti.

MUKTA GUPTA, J.

APRIL 27, 2018

‘vn’