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

DECIDED ON : 7th MAY, 2018

+ **BAIL APPLN. 646/2018 & CRL.M.A.No.5503/2018**

JIMBLE MATHEW Petitioner
Through : Mr.Rohit Bharadwaj, Advocate.

Versus

STATE Respondent
Through : Ms.Radhika Kolluru, APP with SI Seema,
PS New Friends Colony.

CORAM:
HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. The petitioner seeks anticipatory bail in case FIR No.415/2016 registered under Section 376 IPC at PS New Friends Colony. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that a false FIR has been lodged by the prosecutrix. Both the petitioner and the prosecutrix were acquainted with each other and lived consensually in a live-in-relationship. Subsequently, the complainant started picking up quarrels and committed physical and mental torture to the petitioner. The complainant suspected the petitioner and used to regularly check his phone / call details and messages. The petitioner, thereafter,

decided to end the relationship and it was duly conveyed to the prosecutrix. She, thereafter, started coercing the petitioner to continue with the relationship and threatened him with dire consequences. Counsel further urged that owing to ill health, the petitioner planned to go to Kerala but was not allowed to do so. Before he could reach his home town, the victim intercepted him at Mangalore and threatened him to alight. He was made to stay with her for 3 or 4 days. After the petitioner recovered from ill-health, he left for abroad on getting employment there.

3. Learned APP opposed the grant of bail as there are serious allegations against the petitioner.

4. On perusal of the complaint lodged by the victim, it reveals that she has levelled serious allegations against the petitioner whereby physical relations were established several times with her on the promise to marry. Efforts were made between the families to perform the marriage. Certain negotiations also took place. Before the marriage could be finalized, the prosecutrix came to know that the petitioner's whereabouts were not known. She felt cheated and defrauded by the petitioner in collusion with her parents and relatives.

5. The petitioner is presently out of India. Learned Trial Court had granted interim protection to the petitioner to enable him to come to India and to join the investigation. Despite availing protection, the petitioner did not bother to join the investigation. Consequently, by an order dated 31.05.2017, the interim protection granted to the petitioner was withdrawn.

6. Earlier proceedings under Section 82 Cr.P.C. were initiated and the petitioner was declared Proclaimed Offender. However, the revisional court set aside the said order on 31.01.2018. The application filed for anticipatory bail, thereafter, was dismissed on 01.03.2018.

7. Status report reveals that Look-Out Circular has already been opened against the petitioner with the approval of the competent authority on 27.02.2018.

8. Since, there are serious allegations against the petitioner whereby he allegedly sexually exploited a young lady of 27 years of age and left her in lurch and the fact that despite interim protection, he did not return to India to join the investigation, it is not a case for grant of anticipatory bail; the bail application is dismissed.

9. Observations in the order shall have no impact on merits of the case.

10. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

MAY 07, 2018 / tr