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

+ BAIL APPLN. 1203/2018 and CrI. M.A. 9968/2018

SUMIT KAPIL Petitioner

Through: Mr. Ashutosh Bhardwaj, Advocate

versus

THE STATE (GOVT OF NCT DELHI) Respondent

Through: Mr. Ashish Dutta, APP

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.07.2018**

The allegations have been made against the petitioner in the FIR 128/2018 constituting offences punishable under Section 376 / 328 IPC of police station Shakarpur, the FIR having been lodged on 16.03.2018. The statement of the prosecutrix under Section 164 Cr. PC has been recorded. Going by the said version, prosecutrix then aged about 30 years old statedly a divorcee had come in contact with the petitioner through a matrimonial website. It appears she on her own volition accompanied him to Haridwar on 25.10.2017 where both of them stayed together in a hotel. It is alleged by her that she was subjected to sexual intercourse at that stage on the pretext that the petitioner was ready to enter into a marriage with her. Though she would imply that such physical relation was formed without her clear consent, it is clear from her later version that she had subsequently

accompanied him elsewhere staying with him and at which stage she was again subjected to sexual intercourse having been made to believe that by putting *Sindoor* in the parting of her hair, the parties had got married. The prosecutrix statedly had been married earlier in 2006 with one Sandeep Singh, the said marriage having been ended in a decree of divorce in 2011.

In the facts and circumstances of the case, the petitioner has made out a case for release on anticipatory bail.

Thus, it is directed that in the event of the petitioner being arrested, he shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount subject to the following further conditions:-

- (i) The petitioner shall continue cooperating with the investigation and join the same as and when called upon to do so;
- (ii) The petitioner shall not come in contact with or try to influence any of the witnesses connected to the case;
- (iii) Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;
- (iv) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;
- (v). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to

ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court; and

(vi) This order will inure only till the date of first appearance of the petitioner in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against him by the court of cognizance.

Dasti under the Signatures of the Court Master.

R.K.GAUBA, J

JULY 12, 2018

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