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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3449/2018**

MEGHNA PATEL

..... Petitioner

Through: Mr. S.R. Gautam, Mr. Vishal K.
Panwar & Mr. Neeraj Gupta, Advs.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. K.S. Ahuja, APP for the State
with SI Preeti Sharma, PS Crime
Branch.
Mr. Mahipal Malik, Mr. Rajiv Tehlan,
Mr. Rishab Kapoor, Mr. Siddharth
Chakravorty & Mr. Vishal Chhabra,
Advs. for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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23.10.2018

The first information report no. 361/2018 was registered by police station Begum Pur on the complaint of the petitioner on 03.07.2018, carrying allegations of offences punishable under Sections 376/328/313/417/506 IPC alleged to have been committed by the second and third respondents. On the application (no. 2228/2018) moved by the second and third respondents, the court of sessions, by its order dated 07.07.2018, has granted anticipatory bail to the second and third respondents. Aggrieved by the said order, the petitioner (first informant of the case) has approached this Court under Section 439 (2) read with Section

482 of the Code of Criminal Procedure, 1973 to assail the said order submitting that it was a case where anticipatory bail should not have been granted.

Status report has been submitted by the State. The petitioner had submitted on the last date (i.e. 13.07.2018) that Bombay High Court had declined transit bail to the second and third respondents which order should have been kept in mind. The counsel at that stage had sought adjournment to place on record a copy of the said order. The same has not been filed till date. The counsel has passed on a copy of the said order dated 05.07.2018 which is taken on record. All that the said order recorded was that the transit anticipatory bail (no. 1301/2018) was not maintainable before the said court.

Having regard to the allegations set out in the FIR, the petitioner had concededly entered into a consensual relationship including physical intimacy with the second respondent some time from April – May 2015 in Mumbai, such relationship having continued over subsequent period. It is her case that on account of such physical relationship she had even conceived, the pregnancy having been aborted with the aid and assistance of some medicine arranged by the second respondent. She accuses the third respondent of having exercised criminal intimidation in the context of her wish and desire to get married to the second respondent. It is her case that she was induced into the relationship by a false promise of marriage, the excuse of *kundli* not matching having been later used to walk out of the said promise.

In the given facts and circumstances, while the case would indeed require investigation, there is no reason why the release on anticipatory bail

should be denied to the second and third respondents. After all they have been directed to join investigation as and when called upon to do so and to cooperate with the investigation and not to tamper with the evidence or influence the witnesses. There is no allegation of breach of any such condition. As no error and infirmity is found in the order granting anticipatory bail by the court of sessions, it calls for no interference.

The petition is dismissed.

R.K.GAUBA, J

OCTOBER 23, 2018

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