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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1673/2018**
INDRANIL KARMAKAR

..... Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. with Mr.
Anand Varma, Ms. Manpreet Kaur, Ms.
Shubhangi Jain and Mr. Sanjeevi, Advs.

Versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Amit Chadha, APP for State with
W/SI Neha Choudhary, P.S. Mianwali Nagar.
Mrs. Brijinder Khurana, Adv. for
respondent/prosecutrix – complainant in the FIR.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **20.07.2018**

The petitioner seeks bail in FIR No. 201/2018 registered at P.S. Mianwali Nagar, Outer District, Delhi on a complaint of a lady alleging offences under sections 376 & 506 IPC. The petitioner is in custody since 22.06.2018.

It was alleged that the incident had occurred five years prior to the registration of the aforesaid FIR; the complainant was misled by the petitioner/accused into believing that he was divorced by his earlier wife and that he was single and marriageable.

The petitioner relies upon photographs attached to the petition showing the complainant in rather happy company of the petitioner's

family including his wife and minor children; that these would show the complainant's full knowledge of the petitioner's marital status. The learned counsel for the petitioner submits that therefore, the basis of the complaint itself is taken away.

He submits that the allegations about obscene videos of the complainant being in the petitioner's possession is entirely baseless and there is no likelihood of such videos being put in the public domain by the petitioner because he is not in possession of any such material and even otherwise he would not do anything of this nature.

It is the petitioner's case that his association with the complainant was consensual and she was fully aware about the petitioner's existing marriage and familial circumstances; reference to a divorce petition filed by the petitioner in 2016 which was subsequently withdrawn, only goes to prove that the complainant knew fully well that even as of 2016, he was married.

The Court has been shown some more photographs of the complainant with the petitioner and purported record of communication between them. The petitioner is married, has a family with minor children. The complainant's association with him appears to be consensual.

In the aforesaid circumstances, the petitioner is enlarged on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court concerned, subject to the following conditions:-

- (i) the petitioner will regularly appear on each and every date of

hearing to be fixed by the Court concerned;

- (ii) the petitioner will not try to influence, contact or meet the complainant and prosecution witnesses in any manner;
- (iii) the petitioner will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned; and
- (iv) in case of change of his new address or contact number, the petitioner will promptly intimate to the SHO/IO of the case and intimate the Trial Court.

The petition stands disposed-off in the above terms.

Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.

The Registry is directed to send a copy of this order to the Jail Superintendent, concerned for compliance. Additionally, a copy of the same shall also be delivered upon the Jail Superintendent through police.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JULY 20, 2018/acm