

\$~42

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

+ **BAIL APPLN. 1836/2018**

VARUN YADAV

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Sidharth Chopra and Mr. Mohit
Bhandari, Advocates.

Versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Mr. G.M. Farooqui, APP for State.
Counsel for the complainant with
complainant (appearance not given).

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **19.11.2018**

The petitioner seeks bail. He is an accused of offences under sections 376/328/506 IPC. According to the complainant, she and the petitioner were in an intimate relationship for the past many years, on the promise that the petitioner would marry her. The relationship turned sour; much has transpired since then. The complainant submits that she was subsequently coerced into a physical relationship by the petitioner, including threats from him of putting her intimate photographs on social media. She refers to the transcript of conversation with the petitioner on WhatsApp and Instagram to impress upon her contention that the petitioner used to threaten her. Furthermore, he is alleged to have impeded a prospective matrimony of the complainant with a person in Muradabad, Uttar Pradesh.

The learned Additional Public Prosecutor for the State submits, upon

instructions, that upon the IO contacting him over the telephone the said person whom the complainant was likely to marry in Muradabad, stated that he is a much married man and would not like to be disturbed any further.

The issue of whether the petitioner, who is in custody for the past five months, has endeavoured to influence investigations or has tried to stop prospects of the complainant moving on with her life of matrimony with another person is to be looked into.

The learned Senior Counsel for the petitioner submits that the allegation against the petitioner of spoiling matrimony is not alleged in the Chargesheet. Testimony of respondent no. 3 is to be recorded. The intimate association between the complainant and the petitioner is stated to be over 54 months. The complaint was filed much after that long association. He refers to the conversation between the brother of the accused and the complainant, in which the complainant has allegedly mentioned exchange of some monies amount for settling the matter amicably. As per the allegation, the petitioner had committed the crime by going to the residence of the complainant and assaulting and sexually forcing himself upon her. However, a complaint apropos the alleged incident was filed only after four months of the incident and there is no MLC on record in this regard.

In the aforesaid circumstances, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.2 lacs with two sureties 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 Trial Court concerned;
- (ii) he will not try to influence, contact or meet the complainant and

prosecution witnesses in any manner;

- (iii) he will not leave the country without prior permission of the Court and the passport, if any, shall be deposited with the Trial Court concerned;
- (iv) he shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times;
- (v) 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; and
- (vi) the petitioner 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 from disclosing such facts to the Court or to any police officer.

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 the 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

NOVEMBER 19, 2018

RW