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

+ **BAIL APPLN. 1860/2018**

UDAL SINGH

..... Petitioner

Through: Mr.Anil Sharma, Mr.Brijesh Sharma,
Mr. Arun Baali and Mr.Jaskaran
Singh, Advs.

versus

STATE

..... Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Surender P.S. Begumpur.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **07.08.2018**

CRL.M.A. 29439/2018 (exemption)

Allowed subject to all just exceptions.

BAIL APPLN. 1860/2018

Allegations have been made against the petitioner in FIR 706/2017 registered by police station Begumpur on 25.11.2017 constituting offences punishable under Sections 376/506 of the Indian Penal Code, 1860 (IPC). The first informant (prosecutrix) is present in the court and has submitted her affidavit along with which she has submitted photocopy of her *Aadhaar card* as proof of identity. In the FIR, the prosecutrix has described herself as a married woman, there being no indication as to the status of her husband. In the affidavit, however, she described herself as a widow. On being asked, she orally stated that her husband had died in 2014. Allegations have been made by her about the petitioner having seduced her into physical intimacy,

initially against her will and consent and later concededly, with her consent, the episodes in this regard having been narrated with effect from September 2016 onwards. She would also state that she had agreed to physical relationship since the petitioner had married her in a temple on 20.01.2017, she not being aware, at that stage, that he was also already a married person. She also mentioned the petitioner having taken initially an amount of Rs. 1,00,000/- from her followed by another amount of Rs. 15,00,000/- and he having refunded Rs. 5,00,000/-. By her affidavit, she has indicated that the petitioner has already re-paid the entire money to her.

Having regard to the above facts and circumstances, the petition for anticipatory bail is granted. 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 bonds in the sum of Rs.10,000/- 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 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

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.

The petition stands disposed of in above terms.

Dasti.

R.K.GAUBA, J.

AUGUST 07, 2018/uj