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

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Judgment delivered on: 25.07.2018

+ BAIL APPLN.2582/2016

SURESH YADAV

..... Petitioner

versus

GOVT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Bipin Kumar Jha, Adv.

For the Respondent: Mr. Panna Lal Sharma, APP for the State with ASI
Hawa Singh, PS Nihal Vihar

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

25.07.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.145/2016 under Sections 376/417/497 IPC at Police station Nihal Vihar. Allegations in the FIR are that the complainant, who is already married, was unhappy with her husband and the petitioner became her friend and subsequently on false promise of marriage he made physical relationship with her. She has reiterated the statement in her statement under Section 164 Cr.P.C. as well as in her deposition before the court.

2. Learned counsel for the petitioner submits that from the statement it is apparent that the relationship was consensual. He further submits that

the complainant was herself married and had not taken divorce from her husband and the allegation of false promise to marry her is baseless. He further submits that the testimony of the prosecutrix has already been completed.

3. The petitioner has been in custody since 16.02.2016. The statement of the prosecutrix is already over and out of 12 witnesses cited by the prosecution, only two witnesses have been examined and substantial time is likely to take place in completing the prosecution evidence.

4. Without commenting upon the merits of the case, keeping in view the facts and circumstances of the case and on perusal of the record, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the petitioner be released on bail, on his furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court. Petitioner shall be released on bail, if not required in any other case.

5. The petitioner shall not do anything, which may either prejudice the trial or the prosecution witnesses. The petitioner shall appear before the Trial Court as and when the matter is listed. The petitioner shall not leave the country without the prior permission of the Trial Court.

6. Petition is disposed of in the above terms.

7. Order Dasti under the signatures of the Court Master.

JULY 25, 2018/ns

SANJEEV SACHDEVA, J