

\$~1

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

+ **BAIL APPLN. 2400/2018**

RAJAN KARWAL

..... Petitioner

Through: Mr. V.V. Rao, Advocate

versus

STATE

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State
with SI Neetu Yadav, PS Amar
Colony.
Complainant in person

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

14.11.2018

The supplementary status report has been filed.

The prosecutrix is also present in person with her father and brother. The petitioner was arrested on 02.08.2018 during the course of investigation into FIR No.367/2018 of Police Station Amar Colony, registered under Sections 376/366/328/506 of Indian Penal Code, 1860 (IPC) and has been in custody ever since.

As per the allegations in the FIR he had engaged the prosecutrix in forcible sexual intercourse against her will and without her consent, he also having threatened her in the wake of her protests. The petitioner's case, on the other hand, is that he and the prosecutrix had been in a relationship in the course of which she would exchange photographs, some of them in nude condition. The exchange on social media is also presented to show such

past intimate relationship, this in addition to certain photographs, some of them depicting the complainant to be in company of the petitioner on a trip to Nainital and some indicating marriage ceremony, in the presence of the parents of the petitioner in a temple. Though the investigation carried out so far would raise certain doubts as to the authenticity of the marriage certificate, it is the version of the prosecutrix that she was threatened and forced to enter into such marriage ceremony.

The investigation is likely to take some time to conclude. The version of the petitioner as to consent and willingness of the prosecutrix cannot be lightly brushed aside in the face of the material in the nature of photographs and social media exchange. No useful purpose would be served by keeping the petitioner in judicial custody. Therefore, the application is allowed. In the facts and circumstances set out above, case for release on bail is made out. Granted accordingly subject to the following conditions:-

(i). The petitioner shall furnish a personal bond in the sum of Rs.30,000/- with one surety in like amount to the satisfaction of the trial court.

(ii). 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 trial court.

(iii). He shall join the investigation as and when called upon by the investigating officer to do so.

(iv). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress.

(v). He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(vi). 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; and

(vii). 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.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signature of Court Master.

R.K.GAUBA, J.

NOVEMBER 14, 2018

vk