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

+ **BAIL APPLN. 2442/2018**

SAMRAT DEVGAN

..... Petitioner

Through: **Mr.J.R.Mathur, Advocate.**

versus

STATE (GOVT OF NCT DELHI)

..... Respondent

Through: **Ms.Neelam Sharma, APP for State
with SI Sateywati, PS Khyala, Delhi.
Mr.Ashish Kukreti with Mr.Deepak
Kohli, Advocate for complainant with
complainant in person.**

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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29.11.2018

Learned counsel for the petitioner submits that the prosecutrix was working in the same hospital where the petitioner had been working. The prosecutrix was petitioner's friend. The petitioner had taken loan of ₹14 lacs from five cooperative societies in the name of the prosecutrix. Petitioner had been paying EMIs. Disputes arose between them regarding the re-payment of loan. In order to harass petitioner, prosecutrix has filed this FIR on 29.09.2018 with false allegations that petitioner had promised to marry her and established physical relations with her on this pretext. Prosecutrix is 41 years old lady having one child, the petitioner is also a married man which fact was within the knowledge of prosecutrix, as she has herself stated in

the FIR that the petitioner had represented that he would divorce his wife and marry her. The prosecutrix was well aware about the marital status of the petitioner and knew that petitioner cannot marry her. By placing reliance on the complaint under Section 138 of the Negotiable Instruments Act filed by the prosecutrix against the petitioner before the learned M.M., Delhi on 1st August, 2018, learned counsel has contended that prosecutrix did not allege of rape. She only stated about loan of ₹14 lacs. The present FIR has been filed thereafter. It is contended that this shows that allegations in the FIR are untrue.

Learned APP has opposed the grant of anticipatory bail to petitioner. She submits that the petitioner had promised the prosecutrix that he will divorce his wife and thereafter will marry her. On this false promise he established physical relations with the prosecutrix. He also cheated the prosecutrix financially.

Keeping in mind the totality of the facts and circumstances, it is ordered that in the event of arrest, petitioner be released on bail, on his furnishing bail bond in the sum of ₹20,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/IO/SHO concerned.

Application is disposed of.

Dasti.

A.K. PATHAK, J

NOVEMBER 29, 2018

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