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

+ **BAIL APPLN. 2919/2018**

SUNNY

..... Petitioner

Represented by: Mr. Amit Rao, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Ashok Kr. Garg, APP with SI
Suman PS Paharganj.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

20.12.2018

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By this petition the petitioner seeks anticipatory bail in case FIR No. 303/2018 under Section 376 IPC registered at PS Paharganj.

In the FIR in question the prosecutrix alleged that she befriended the petitioner four years back who has been living in her neighbourhood and they fell in love with each other. Since her parents got to know about the relationship, they sent her to her Nani's house but despite the same they continued to meet regularly. It is alleged that the petitioner on the pretext of taking her to Dominos took her to a hotel at Paharganj, Delhi and established physical relationship without her consent on the pretext of marriage.

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After the above-noted FIR was registered on the statement of the prosecutrix, her statement was recorded under Section 164 Cr.P.C. before the learned Metropolitan Magistrate on 18th October, 2018 wherein she stated that the above-noted statement was given by her under the influence of her mother and she did not want to proceed with the case against the petitioner.

Considering the vacillating stand of the complainant and as also admittedly in the FIR she admitted that both of them were in relationship and love with each other and presently the prosecutrix being aged 18 and a half years, this Court deems it fit to grant anticipatory bail to the petitioner. It is therefore directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned, further subject to the condition that he will join the investigation as and when directed and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 20, 2018
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