

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 2583/2017

ABHINAV

..... Petitioner

Through Mr. Puneet Mittal, Sr. Adv with Mr.
Pankaj Kapoor, Adv.

versus

STATE

..... Respondent

Through Mr.Kewal Singh Ahuja, APP for
State.
WSI Saroj Bala, PS Dwarka Sector-
23.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

09.01.2018

Crl.M.A.No.20751/2017 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

BAIL APPLN. 2583/2017

Petitioner is seeking anticipatory protection. FIR No.314/2017 has been registered under Section 376 of the IPC at police station Dwarka on the complaint of the complainant. The text of the FIR has been perused. Parties are admittedly adults. They knew each other since 9-10 months. As per the averments made in the FIR the complainant and the petitioner had fallen in love. They had agreed to marry one another. Their family members had met one another.

Further averments in the FIR disclose that the complainant and the petitioner were sure that the marriage would be solemnized but 3-4 days before lodging of the FIR the petitioner refused to marry the complainant. FIR has been registered thereto.

Learned APP for the State points out that this is a case of consent which has been given under misconception and the rule laid down in Section 90 of the IPC comes to the aid of the prosecution. Learned senior counsel for the petitioner denies this submission. His submission is that the contents of the FIR by itself disclose that the parties had every intent to marry one another pursuant to which they had entered into a physical relationship; this soured in this intervening period which did not allow the marriage to culminate.

Noting the aforementioned facts and the undertaking of the petitioner that he will join the investigation as and when summoned by the Investigating Officer as also the additional condition that he will not approach the complainant or in any manner try to build up any contact with her; he will give his latest residential address as also mobile/telephone number, in the event of arrest the petitioner be admitted to bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of like amount subject to the satisfaction of the investigating officer.

Petition disposed of.

Order dasti.

INDERMEET KAUR, J

JANUARY 09, 2018

ndn