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

+ **BAIL APPLN. 2669/2017**

ANIL

..... Petitioner

Through: Mr. Hem C Vashishth, Mr. Rohit
Khatana and Mr. Hemant, Advs.

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP with SI
S.K. Singh, P.S. F.P. Beri.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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13.03.2018

Learned counsel for the petitioner submits that petitioner and prosecutrix were in a relationship which broke off due to temperamental differences. Only thereafter, prosecutrix has lodged this FIR on the false allegations that petitioner had established physical relations with her by promising to marry her. It is further submitted that statement of prosecutrix under Section 164 Cr.P.C. is not in line with her version as contained in the FIR.

Learned APP has opposed the grant of anticipatory bail to the

petitioner. It is contended that prosecutrix has specifically stated in the FIR as also in her statement under Section 164 Cr.P.C. that petitioner had forcibly raped her. When prosecutrix started crying petitioner promised to marry her. On 7th February, 2017 petitioner even took prosecutrix to his house and again raped her after giving some medicines to her and thereafter he kept her confined from 7th February, 2017 to 28th July, 2017. Family members of the petitioner also beat the prosecutrix. On 31st July, 2017 petitioner locked her in a room and ran away.

I have perused the FIR as well as the statement under Section 164 Cr.P.C. in the light of rival contentions of learned counsel for the petitioner and learned APP. The veracity of the version of prosecutrix has to be tested during the trial. In her statement prosecutrix has stated that petitioner had married her in a temple and thereafter they stayed in matrimonial home, however, in her statement under Section 164 Cr.P.C. there is no reference of marriage.

Keeping in mind the totality of the facts and circumstances of this case, it is ordered that in case of arrest petitioner be released on bail, subject to his furnishing a personal bond in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating

Officer/SHO of the concerned police station.

Bail application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

MARCH 13, 2018

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