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

+ **BAIL APPLN. 2431/2019**

SANDEEP

..... Petitioner

Through Mr.Yogesh Rathee, Adv.

versus

STATE

..... Respondent

Through Mr.Tarang Shrivastava, APP for
State.
SI Anny PS Ranhola.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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25.09.2019

Crl. M.A. 36856/2019

Allowed, subject to all just exceptions.

Application is disposed of.

Bail Appln. 2431/2019

Vide the present application, the applicant/accused seeks bail pursuant to FIR No.78/2019 registered at Police Station Ranhola, outer district, Delhi for the offence punishable under section 376 IPC.

Case of the prosecution is that the prosecutrix came into contact with the applicant due to dialing of wrong number. Then the applicant started calling the prosecutrix and the prosecutrix told him that she was in need of a job. The applicant assured that he would arrange a job for her and demanded ₹30,000/- to ₹35,000/- for the same. One day on the pretext of procuring a

job for the prosecutrix, the applicant called the prosecutrix at Dwarka Mor and took her to a shop in Jai Vihar and took ₹30,000/- from her. The applicant offered her cold drink and after drinking the same, she became unconscious. During the said period, the applicant raped her. When she regained her consciousness, the applicant told her that he has prepared her obscene video and further threatened that in case she disclosed this fact to anybody, he would upload her video on the internet. Thereafter, the applicant by putting her under the said threat took her to different hotels, in Panipat and Rohtak and established physical relations with her forcibly.

On perusal of the FIR, the allegations are that the applicant had physical relations with her 1st time on 08.11.2018 at Rohtak. After establishing physical relations for the first time, he threatened her that he will make viral the said obscene photo and video clip on the internet and on this pretext again had physical relations with her. Thereafter, when she got pregnant in February 2018, he assured her that he will marry her. Thereafter, he compelled her to undergo abortion on the pretext that they will conceive a child after marriage.

It is further stated that the applicant firstly made physical relations with her forcibly and thereafter gave an assurance that he will marry her. When she asked the appellant to marry, he refused to do the same.

Learned APP opposes the application and submits that the applicant blackmailed the prosecutrix and had sexual intercourse without her consent and also made a false promise of marriage, thus, the allegations are serious and the present application deserves to be dismissed.

Keeping in view the allegations of the prosecutrix that she firstly had sexual relations with the applicant with her consent and thereafter she

continued having physical relations under the threat given by the applicant. The fact that the applicant has been in custody since 26.02.2019 and without commenting upon the merits of the prosecution case which is pending before the Trial Court, I am of the view that the applicant is entitled to bail.

Accordingly, he shall be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two sureties of the like amount to the satisfaction of the Trial Court.

The applicant shall not involve himself in any other case and shall not contact any of the prosecution witnesses, during the bail period. In the event of any report against him, this Court would consider the desirability of cancelling the suspension of sentence.

The application is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

SEPTEMBER 25, 2019

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