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

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Judgment delivered on: 15.03.2019

+ BAIL APPLN. 411/2019

RAKESH

..... Petitioner

versus

THE STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Mithan Lal, Advocate.

For the Respondent: Mr. Hirein Sharma, Addl. PP for the State
with SI Dheer Singh

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks Regular bail in FIR No.287/2018 under Sections 376/328/506 of the Indian Penal Code, Police Station Farsh Bazar, Delhi.

2. The petitioner has been in custody since 04.09.2018. Investigation is complete and the chargesheet has already been filed.

3. The allegations in the FIR made by the prosecutrix are that the petitioner was introduced to her family for the purpose of marriage and talks of her marriage were on with the petitioner. Subsequently,

the petitioner started calling her up regularly and they also started meeting. It is alleged that one day the petitioner took her to a Restaurant where he gave her a cold drink and on drinking the same she became intoxicated. Subsequently, he took off her clothes and committed the offence of rape on her in the restaurant. Thereafter he is alleged to have dropped her at her home. It is alleged in the FIR that subsequently also he had committed the offence of rape on her in the Restaurant. Later she got to know that he was already married and had a child from the earlier marriage and when she confronted he stated that his first wife had expired.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the allegations that petitioner had taken off her clothes and committed the offence of rape in the restaurant is not possible as the prosecutrix had herself stated that there were several other persons present in the Restaurant. He further submits that the subject complaint apparently has been filed as the prosecutrix had changed her mind about the marriage as the petitioner was earlier married and was also having a child of 12 years old.

5. Learned counsel for the petitioner submits that the allegations are vague, in as much as, they spread over a period of three years and there is no period and date mentioned with regard to the alleged incidents and there is also no medical or electronic evidence with

regard to the commission of the subject offence.

6. Without commenting on the merits of the case keeping in view the fact that the investigation is complete, chargesheet has already been filed and petitioner has been in custody since 04.09.2018, I am satisfied that the petitioner has made out a case for grant of regular bail.

7. Accordingly, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail if not required in any other case. Petitioner shall not do anything which may prejudice either the trial or the prosecution witnesses. Petitioner shall not contact the prosecutrix or her family. Petitioner shall not leave the country without the permission of the Trial Court. Petitioner shall surrender his passport, if any, to the Investigating Officer, if not already done.

8. Petition is accordingly allowed in the above terms.

9. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MARCH 15, 2019
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