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

+ **BAIL APPLN. 581/2019**

PRITAM RAWAL

..... Petitioner

Through Mr. D. K. Singh, Adv.

versus

STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State.
Complainant in person with Adv. for
R-2 (appearance not given).
SI Sonu PS Seemapuri

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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10.10.2019

Vide the present application, the applicant/petitioner seeks anticipatory bail, in the event of his arrest, in pursuance to FIR No.94/2019 dated 12.02.2019 registered at Police Station Seemapuri for the offences punishable under section 376/506 IPC.

The case of the applicant is that about 2 years back (from the date of complaint), the applicant came in to touch with the complainant/prosecutrix through Facebook and subsequently they developed their friendship. The complainant showed her desire to enjoy her life in the company of the accused. On various occasions the complainant showed her desire to meet the applicant over Facebook Chat and SMS. The applicant eventually met the complainant and they both visited different hotels. The applicant never concealed his marital status from the complainant and there was no

misrepresentation regarding the same on the part of the applicant at any point of time.

Learned counsel appearing on behalf of the applicant submits that it is beyond imagination that two persons who know each other for such a long time have no knowledge about the marital status of each other. The applicant opened his Facebook account in the year 2014 and since then he never mentioned his marital status on his Facebook account and thus, no question of misrepresentation arises. Eventually, the applicant decided to have no concern with the complainant and stopped talking to her. Despite making it clear to the complainant that the applicant does not want to have any concern with her, she kept on texting and calling the applicant. Moreover, the complainant threatened to commit suicide and forced the applicant to continue the relationship with her.

It is further submitted that the Facebook chat history and SMS's between the complainant and the applicant clearly showed that no alleged offence has ever been committed and the relationship between the prosecutrix and the applicant was completely consensual and there was no promise of marriage between the applicant and the prosecutrix.

As per the complaint which is culminated into the FIR, it is stated by the complainant that initially she became friends on Facebook with the applicant and after 2½ years they started meeting with each other. Sometime in July or August 2018, the applicant came outside of Karuna Hospital Dilshad Colony, Delhi to meet her. At that time she used to work in above named Hospital. Her friend took her from Karuna Hospital and brought her to a hotel Roch Stone Vasundhara, U.P. wherein the applicant stated that he shall marry her and he made physical relations with her

forcibly in Karuna Hospital. He used to make false promises to her for marriage and he also took her to Paradise Hotel, Ramprastha Ghaziabad, U.P. and also Ginger Hotel near Cross River Mall, Anand Vihar many times and he made physical relations with her but later on he declined to marry her. When she used to meet the applicant, he used to beat her and gave threats to kill her and threats to viral video of their intimate moments. On 31.01.2019, the prosecutrix spoke with a woman on mobile No.7982837969. That woman told her that she was mother of the applicant and further told her that they shall come on 17.08.2019 and take her with them to solemnize their marriage. The applicant had communicated a wrong identity of himself and it felt that the applicant can cause grievous hurt and injuries at any point of time to her and her family.

Learned APP for the State has strongly opposed the present application and submits that upon making false promises, the applicant used to have sexual intercourse with the prosecutrix on various occasions and subsequently he refused to talk and marry with the prosecutrix. Thus, the allegations are serious against the applicant and the present application is liable to be dismissed.

As per the complaint, based upon which the FIR has been lodged, the applicant and prosecutrix used to meet at different places mentioned above and had physical relations with each other.

IO of the case has produced the chat between the applicant and the prosecutrix and on perusal of the chats, there is no material that the applicant had threatened the prosecutrix or made the false promise of marriage.

However, without commenting on the merits or demerits of the case, this Court is of the considered view that the present case is fit for

anticipatory bail. The IO concerned, is hereby directed that in the event of arrest, the applicant be released on bail on the following terms and conditions:-

- (i) That the applicant shall furnish a personal bond in the sum of ₹20,000/- with two sureties of the like amount subject to the satisfaction of IO concerned;
- (ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Application stands disposed of.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

OCTOBER 10, 2019
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